



LAWS

OF A

LOCAL NATURE,

PASSED AND PUBLISHED AT THE NINETEENTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-FOUR.

BY AUTHORITY.

Indianapolis:

PRINTED BY MORRISON AND BOLTON.

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1835.

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CHAPTER I.

AN ACT making General Appropriations for the year eighteen hundred and thirty-five.

[APPROVED FEBRUARY 7, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the present General Assembly, including the pay of members, secretaries, clerks, sergeant-at-arms, door-keepers, fuel, binding and distributing the laws and journals, together with all other expenses incident to the present session, the sum of eighteen thousand dollars; printing and stationary, five thousand five hundred dollars; specific appropriations, twenty-five hundred dollars; judiciary, (including prosecuting attorneys,) nine thousand dollars; probate judges twenty-five hundred dollars; executive officers, twenty-six hundred dollars; Adjutant and Quarter-master Generals, one hundred and fifty dollars; contingent expenses, one thousand dollars; wolf scalps, eight hundred dollars; state library, two hundred dollars; and for the state prison, twenty-eight hundred dollars.

CHAPTER II.

AN ACT making specific Appropriations for the year 1835.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That* the principal and assistant secretaries of the Senate, and principal and assistant clerks of the House of Representatives shall sev-

erally be allowed three dollars and fifty cents per day; and the enrolling secretary of the Senate, and enrolling clerk of the House of Representatives, three dollars and fifty cents per day, for each and every day they may have served as such during the present session; and the door keeper of the Senate and the door-keeper of the House of Representatives, each two dollars and twenty five cents for each and every day they may have served as such, during the present session.

SEC. 2. That James A. Groves, be allowed the sum of eight dollars and fifty cents for services rendered in repairing the Representative hall.

SEC. 3. That John Cowgill be allowed the sum of thirty-one dollars and twenty-five cents, for services as prosecuting attorney in the seventh judicial circuit for the year 1834.

SEC. 4. That Nathan Burchfield, Allen T. Rose, Lawrence Leonard, John Rose, J. J. Burton be allowed each the sum of sixteen dollars and fifty cents for their services as witnesses in the case of the state against N. G. Cromwell.

SEC. 5. That John A. Brackenridge be allowed the sum of ten dollars for attending to a case in the Dubois circuit court at the April term 1832, as prosecuting attorney.

SEC. 6. That Daniel Mace, and Wilson Malone, be allowed the sum of thirty dollars each, for services rendered and money expended in travelling to and from the Posey circuit court, at the February term of 1831, from Attica in Fountain county as witnesses for and on behalf of the state, on a charge of murder against James Poston.

SEC. 7. That Samuel C. Sample be allowed the sum of five dollars for services rendered the state in collecting arrearages of revenue from the collector of St. Joseph county, for the year 1832, and also the sum of forty dollars for services as special prosecuting attorney in the year 1832.

SEC. 8. That Andrew Wilson commissioner of saline lands in Orange county, be allowed the sum of sixteen dollars and fifty cents for books, papers, maps, &c. also twenty dollars for travelling expenses while making deposit of funds at Indianapolis, also the sum of twenty four dollars and fifty cents for money paid by said commissioner for printing, &c.

SEC. 9. That Edward Gird, collector of Shelby county be allowed the sum of thirty four dollars and twelve and a half cents the amount overpaid into the state treasurer on settlement of his accounts in 1833.

SEC. 10. That the collector of the county of Cass for the year 1832, be allowed the sum of eight dollars and eighteen cents the amount overpaid into the treasury on settlement of his account in said year.

SEC. 11. That Daniel Peria be allowed the sum of seventeen dollars for transporting the Hon. S. B. A. Carter, a member of the House, from the town of Indianapolis to his residence in the county of Orange.

SEC. 12. That Givan and Foudray be allowed the sum of three dollars for sundry articles furnished for the use of the General Assembly.

SEC. 13. That F. T. Luse, be allowed the sum of twenty dollars and sixty two cents for repairs done in the hall of the Senate and House of Representatives.

SEC. 14. That Jesse Combs be allowed the sum of ten dollars for furnishing and mending chairs for the use of this General Assembly.

SEC. 15. That W. N. Jackson be allowed the sum of sixty dollars eighty five cents, for two stoves and pipes furnished for the Representative hall.

SEC. 16. That Yandes, and E. T. Porter, be allowed the sum of one dollar and eighty-seven cents, for wafers furnished for the use of the present General Assembly.

SEC. 17. That Scudder and Hannaman be allowed the sum of three dollars for wafers furnished for the use of the present General Assembly.

SEC. 18. That G. Norwood be allowed the sum of the three dollars and twelve and one half cents for a whet stone, wood horse, framing and setting saw for the present General Assembly.

SEC. 19. That Newton Norwood and Daniel Nooe, assistant door-keepers of the House of Representatives be allowed each the sum of \$35, in lieu of all other compensation.

SEC. 20. That the Hon. James Gregory, be allowed the sum of two dollars and eighty seven cents for postage paid by him as speaker of the House of Representatives.

SEC. 21. That Enoch Nation, of the county of Delaware, be allowed the sum of twenty eight dollars and seventy-five cents for moneys overpaid by him as collector of the state revenue of said county for the year A. D. 1834.

SEC. 22. That David Rudasell collector of Putnam county, for the year 1834, be allowed the sum of fifty two dollars and seventy one cents for moneys overpaid by said collector on settlement of his accounts with the state treasurer in said year.

SEC. 23. That Andrew Wilson, commissioner of French lick reserve, be allowed (for benefit of James G. May,) the sum of three dollars for publishing in the Western Annottator, notice of sale of French lick reserve lands.

SEC. 24. That W. E. Dunbar be allowed the sum of thirty one dollars and seventy-five cents for paper, ink, quills, wafers and other stationery, for the use of the present General Assembly.

SEC. 25. That Smith, Wilkins & Co. be allowed the sum of twenty one dollars and fifteen cents for sandries furnished for the use of the General Assembly, (as per bill rendered.)

SEC. 26. That Thomas Buchanan and William Montage, be allowed the sum of one dollar for putting in two drawers into desks for the use of the General Assembly.

SEC. 27. That the sum of fifty dollars be allowed to David Mc-

Donald, for his services in investigating the concerns of the Wabash Insurance company at Vincennes, and reporting thereon to the Governor.

Sec. 28. That William Quarles be, and he is hereby allowed the sum of fifty dollars for his services as examiner of the Insurance offices at New Albany, Madison and Lawrenceburgh and reporting the result of said examination to the Governor.

Sec. 29. That James M. Stagg be allowed the sum of three dollars and fifty cents per day for services as assistant clerk of the House of Representatives to be audited and paid upon the certificate of the clerk of the House of Representatives.

Sec. 30. That William A. Oliver be allowed the sum of five dollars for services as clerk to the committee of ways and means of the House of Representatives.

Sec. 31. That H. and D. Bates be allowed the sum of thirteen dollars twelve and one half cents for glass furnished the state.

Sec. 32. That Morris Morris be allowed the sum of two hundred dollars for services under the direction of the General Assembly, for the last six years in valuing lots and out lots in Indianapolis, attending to letting out contracts for printing and furnishing wood for General Assembly, and for superintending the building of the state house from its commencement to the 1st of January, 1835, and for all other extra services by him rendered up to this time.

Sec. 33. That George L. Gorham be allowed the sum of five dollars for putting up stove pipes in the Representative hall.

Sec. 34. That James Morrison, late secretary of state be allowed the sum of fifty dollars for extra services, rendered by him during the four years which he served as secretary of state, in receiving proposals, making contracts on behalf the state in relation [to] fuel, printing and distributing laws and journals and other extra services.

Sec. 35. That W. E. Dunbar be allowed the sum of five dollars and fifty cents for paper furnished the present General Assembly.

Sec. 36. That N. B. Palmer be allowed eleven dollars and fifty cents for moneys paid to James Parr, for repairs to the out buildings at the state house as certified by secretary of state and for other moneys expended, and also fifty-five dollars and 75 100 for moneys paid Wilkes Regan for candles for use of the General Assembly.

Sec. 37. That John B. E. Reid be allowed one hundred and fifty dollars for one hundred and fifty cords of wood furnished for public use.

Sec. 38. That McClure and Wheat, be allowed the sum of twenty-one dollars and seventy-five cents for new chairs furnished and old chairs repaired, &c. for the use of the present General Assembly.

Sec. 39. That John Givan be allowed the sum of one dollar and twelve cents for two baskets for the use of the present General Assembly.

Sec. 40. That Nathaniel Butterfield be allowed four dollars and fifty cents, being for that amount overpaid by him as collector of

Warren county for the year 1834, of the state revenue, to the treasurer of state.

Sec. 41. That Wesley Irwin be, and he is hereby allowed the sum of forty dollars for his services as assistant door-keeper to the Senate during the session of 1834—35.

Sec. 42. That Oliver Morse be allowed the sum of thirty-seven dollars for articles furnished and labors done during the present session of General Assembly; and that James Fislar be allowed the sum of one dollar and fifty cents for articles furnished to the use of the General Assembly.

Sec. 43. That McCarty and Williams be allowed the sum of five dollars sixty two and a half cents, for goods furnished, necessary to the burial of the late William Wallace, deceased.

Sec. 44. That F. T. Luse be allowed the sum of twenty dollars for a coffin, furnished for the burial of the late William Wallace.

Sec. 45. That Brown and Morrison be allowed the sum of nine dollars and eighteen cents for crape furnished the members of the Senate and members of the House of Representatives.

Sec. 46. That John Crabb, collector of Jackson county for 1834, be allowed the sum of twelve dollars thirty-seven and a half cents for money overpaid by him on account of delinquent list not credited.

Sec. 47. That Benjamin Rogers be allowed the sum of twenty-six dollars as superintendent of the salt lick, called Jackson's lick, for the year 1834.

Sec. 48. That Robert Quinn be allowed the sum of twenty dollars for apprehending horse thieves, aiding in taking them from Ohio to Indianapolis for trial, and furnishing irons to confine them and prevent their escape.

Sec. 49. That J. Jennings be allowed the sum of thirty-five dollars for team and carriage furnished by him to convey the remains of the late William Wallace from Indianapolis to Daviess county.

Sec. 50. That Elisha G. English be allowed the sum of two dollars and fifty cents, each day, from the day of his election to the last day inclusive of the present General Assembly.

Sec. 51. That William E. Dunbar be allowed the sum of nine dollars and fifty cents for quills furnished the present General Assembly.

Sec. 52. That Lingenfelter and Giffing be allowed the sum of five dollars for plastering the fire places and work done to the house on the governor's circle.

Sec. 53. That John Travis be allowed the sum of four dollars for lamp posts furnish.

Sec. 54. That B. R. Smith be allowed the sum of five dollars eighty seven and a half cents for articles furnished and work done.

Sec. 55. That Moses Frazee & Co. be allowed the sum of two dollars and fifty cents for articles furnished.

Sec. 56. That McClure and Davis be allowed the sum of thirteen dollars thirty-seven and a half cents for articles furnished.

Sec. 57. That Samuel Rooker be allowed the sum of fifteen dollars and ninety-two cents for articles furnished.

Sec. 58. That C. and J. Cox be allowed the sum of eight dollars and fifty cents for articles furnished.

Sec. 59. That Scudder and Hannaman be allowed the sum of seven dollars for articles furnished.

Sec. 60. That John Cain be allowed the sum of eighteen dollars and seventy-five cents for sundries furnished the last and the present session of the General Assembly.

Sec. 61. That J. M. Moore & Co. be allowed the sum of ten dollars eighteen and three fourth cents, for articles furnished the present General Assembly.

Sec. 62. That Delana R. Eckels be allowed the sum of six dollars sixty two and a half cents, for moneys by him advanced for stationery during the present session of the General Assembly.

Sec. 63. That the assistant enrolling secretary and clerks be each allowed three dollars and fifty cents per day to be certified by the enrolling secretary and clerk respectively.

Sec. 64. That the superintendent of the loan office at Indianapolis be allowed three fourths of one per cent. on all outstanding loans of college funds, for his services in relation to the same.

CHAPTER III.

AN ACT to incorporate the Salem and Ohio turnpike company.

(APPROVED JANUARY 24, 1835.)

SEC. 1. *Beit enacted by the General Assembly of the State of Indiana, That* Micah Newby, Henry Young, John Kingsbury, David G. Campbell, and James Weir, of Washington county; Elias Ayers and John K. Graham of Floyd county, and William Bowman, James Keigwin, and James Warman and Athenasius Wathen of Clark county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "the President and directors of the Salem and Ohio turnpike company," shall be able and capable, in law and equity, to sue and be sued, defend and be defended, answer and be answered unto in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure; and shall be able in law, to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the state.

Sec. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

Sec. 3. The directors in that act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body President, and after such organization, any five of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment; which journal and proceedings shall from time to time, be signed by the President. They may sit on their own adjournments, or on the call of the President: when the President is absent they may appoint a President *pro tempore*. They shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given in some public newspaper in this state; in each of which books the following entry shall be made:—

"We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as the President and directors of the Salem and Ohio turnpike company may direct. Witness our hands this day of

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation may by an agent offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as two thousand shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in some newspaper in this state; and in such notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this state, and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the persons having the highest

number of votes shall be declared duly elected; in all elections each share, from one to five, shall entitle the holder to one vote, and every additional five shares, one vote only; to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any incorporation; or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their body to be president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

Sec. 9. All elections after the first, shall be held on the first Monday of January annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation only, or by agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five per cent. every six months, as they may think proper, to be paid at such time and place as they may designate by giving sixty days notice in some newspaper of this state, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with two per cent. interest thereon per month; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security, as they may think proper, for the faithful performance of their respective duties.

Sec. 12. The corporation shall have power by themselves or agents, to examine, survey and locate a turnpike road from Salem in

Washington county, by the way of Providence in Clark county, thence in the direction of the Ohio river at Jeffersonville, on the most practicable route to a point not exceeding ten miles from Jeffersonville, from which point so established, they shall have power to proceed to examine, survey, mark and locate two branch turnpike roads, one to the town of New Albany in the county of Floyd, and the other to the town of Jeffersonville in the county of Clark; and the said corporation shall have power to locate said road and branches upon the most eligible and suitable ground, with full power to diverge from a direct line, between the points named, where more favorable ground can be had for the construction of said road and branches, the same to be not more than one hundred feet in width.

Sec. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road and branches; but no stone, gravel, or other material, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Sec. 14. It shall be lawful for the corporation, either before or after the location of said road and its branches, to obtain from any person or persons, through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road and branches, as also the stone, gravel, timber, and other materials, that may be obtained upon said routes and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood or other materials for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, &c. shall be made in writing by the party making the same.

Sec. 15. That in all cases where any person through whose land the road or branch roads may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstance may occur, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall summon a jury of twelve men, or a less number if agreed to by the parties, who shall, after taking an oath faithfully and impartially to assess the damage if any, view the lands or materials; and after taking into consideration

the advantages as well as the disadvantages the road may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with the justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn, and in case either party shall shew a sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without costs: *Provided*, Either party may at any time after the rendition of such judgment, appeal to the Circuit Court, as in other cases; and such court may confirm the judgment of such justice or appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the Circuit Court shall be final when rendered.

SEC. 16. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justices shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall appear on the day named in such notices, he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs and damages that may be awarded against them, shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 17. If it shall be found necessary, the corporation shall have the right to lay said road or branch roads along and upon any state or county road: *Provided*, however, Before such location shall be made, the corporation shall procure the consent of the county commissioners in their respective counties, through which the same shall run, for such right, and the said county commissioners are hereby vested with power to grant or refuse to said corporation such right, and shall enter the same on the records of said county or counties, as the case may be: *Provided*, That nothing herein contained, shall be so construed as to prevent said road or branches from crossing any state or county road.

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges hereby granted.

SEC. 19. The corporation shall commence the construction of said road within three years, and complete the same within ten years from its commencement: *Provided*, however, That if ten miles of said road, or either of said branch roads shall be completed within the time aforesaid, the charter shall not be forfeited, as to that part of said road or branch so completed.

SEC. 20. The corporation shall cause said road and branch to be opened, not exceeding one hundred feet wide at least twenty feet of which shall be an artificial road, composed of stone, gravel, or other suitable materials, well compacted together in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair; and in no case, shall the ascent in the road be greater than an elevation of five degrees.

SEC. 21. If said road, or either of said branches after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 22. So soon as the said corporation shall have completed the said road and branches as aforesaid, or any ten continuous miles thereof agreeably to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than ten miles, and demand and receive of persons travelling said road, the tolls allowed by this act: *Provided*, That said corporation may erect gates five miles apart, and demand and receive at any such gate or gates, one half the toll allowed for ten miles.

SEC. 23. The following shall be the rates of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding eighteen and three quarter cents; for every horse or other animal in addition, six and one quarter cents; for every cart chaise, or other two wheel carriage or vehicle, drawn by one horse or other animal, not exceeding twelve and a half cents; for every horse or other animal in addition, six and one quarter cents; for every sled or sleigh, drawn by one horse or other animal, six and a quarter cents; for every horse or other animal in addition, six and a quarter cents; for every coach, chariot, or other four wheel pleasure carriage, drawn by one horse, not exceeding eighteen and three quarter cents; for every additional horse, six and a quarter cents; for every horse and rider not exceeding six and a quarter cents; for every horse, mule or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, one cent; each hog or sheep, a half cent each; *Provided*, That all persons going to, or returning from public worship, and all militiamen going to and returning from musters, and all funeral processions, shall pass said road free of toll.

SEC. 24. If any person or persons, using said road or branches shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such

offence forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed, as to prevent persons residing on said [road] or branches from passing thereon, about their premises for common and ordinary business.

Sec. 25. If the said corporation shall fail for ten days in succession to keep said road or branch roads in repair, and complaint be made thereof, to a justice of the peace of the county, it shall be his duty forthwith, to summon three disinterested judicious freeholders, to examine the same; and he shall give notice to the toll gatherer at the nearest gate, of the time when said freeholders will proceed to examine that part of the road complained of; and the said freeholders, after having taken an oath or affirmation to act impartially, shall proceed in the examination; and if they find the same out of repair, they shall certify it to a justice of the peace who shall immediately transmit a copy of such certificate to the nearest toll gatherer, where such defective part of the road lies; and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same shall be put in complete repair, under the penalty of five dollars, for every such offence, to be recovered of said corporation, with costs of suit, and for the use of the party aggrieved.

Sec. 26. If any person shall voluntarily or wilfully destroy or in any manner injure or obstruct any part of said road or branch roads, or any gate thereon, otherwise than in the just and lawful use thereof, every person shall, on conviction thereof, before a justice of the peace of the county, be liable to a fine of not more than fifty, nor less than five dollars for every such offence, to be recovered by an action of debt, at the suit of the state of Indiana, to go to the county seminary fund, in the county where the injury may have been committed; and such offenders shall moreover be liable for all such damages to the corporation, or for injury accruing to travellers, in consequence of any such unlawful damage to, or obstruction of said road. All damages and costs under this section, shall inure to the parties entitled to the same, and shall be collected by execution, without any delay or stay of execution, before any court having competent jurisdiction thereof.

Sec. 27. The company shall put up a post or stone at the end of each mile, with the number of miles from either extremity fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction, as may be necessary.

Sec. 28. Any person wilfully destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road or branches, shall on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 29. If any toll gatherer on said road or branch roads shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action, shall be brought against any person or persons, for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days, from the time of incurring the same; and the defendant or defendants, in such action, may plead the general issue and give this act in evidence, with any other special matter.

Sec. 30. The corporation shall cause to be kept a fair account of the whole expense of making, and repairing said road and branches with all incidental expenses; and also a fair account of the toll received; and the state shall have a right to purchase the stock of said company, at any time after twenty years, on paying said corporation a sum of money, which together with the toll received shall equal the cost and expense of said turnpike road as aforesaid, with an interest of twelve per cent. per annum: and the books of the corporation shall always be open for the inspection of any agent of the state, appointed for that purpose by the legislature; and if the corporation shall neglect or refuse, to exhibit, at any time their accounts, agreeably to this section, when thereto required, then all the rights and privileges granted by this act, shall cease and be at an end.

Sec. 31. The said corporation shall be, and they are hereby authorized and empowered to demand and receive the same toll and proceed in the same manner to collect the same, from the driver, owner or owners of any stage, carriage, or sleigh, in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the driver of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents to stop or detain any person, carriage, sleigh or horse whilst actually employed in conveyance of said mail.

Sec. 32. It shall be lawful for the county commissioners of each and every county, through which said road, or branch roads may run or pass, for and on behalf of such county, to authorise by an order, as much of the stock to be taken as they may think proper.

Sec. 33. This charter is hereby limited to fifty years in its duration.

Sec. 34. That the full right and privilege is hereby reserved to the citizens of this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any road leading to or from the main route, to any part or parts of the state, or of crossing said road, by any county, state or other road.

Sec. 35. This act to be in force from and after its passage, and shall be taken and considered a public act in all courts of record within this state, as also in courts of justices of the peace, and shall be beneficially construed.

CHAPTER IV.

AN ACT to incorporate the Buffalo and Mississippi Rail Road Company.

[APPROVED FEBRUARY 6, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Gustavus A. Everts, Aaron Staunton, and John B. Niles, of the county of Laporte; Lathrope M. Taylor, Samuel C. Sample, and Horatio Chapin, of the county of St. Joseph; William Latta, Thomas Thomas, James R. M'Cord, John Voilet, Aaron M. Perine, and John Rorrer, of the county of Elkhart; Ephraim Sealey, Luther Newton, Nehemiah Coldren, and Robert Latta, of Lagrange county, and their successors in office, duly elected as hereinafter directed, are hereby appointed a body politic and corporate, and by the name and style of the "Buffalo and Mississippi Rail Road Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same; to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the state.

Sec. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization any three of the board shall be a quorum; but after an election for directors it shall require five to form a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ; which journal shall from time to time be

read by the board, and if found correct, signed by the president. They may sit on their own adjournments, or on the call of the president: when the president is absent they may appoint a president *pro tempore*. They shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose; due notice of which shall be given;—in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of one hundred dollars for each share of stock set opposite to our names, in such manner and proportions and such time as the president and directors of the Buffalo and Mississippi Rail Road Company may direct; witness our hands this day of 1835

Sec. 6. It shall be lawful for all persons of lawful age; for the agent of any corporate body; for the agent of any state or United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any such space of time, and at such place or places, as the corporation shall choose, and may be re-opened at any time; and they may by an agent offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable. They shall have power on their own credit to borrow money on such terms as may be agreed on by the parties, and pledge the corporation and stock for the payment thereof. The said corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as five hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give four weeks' notice in some newspaper printed in the vicinity of the contemplated route, and in such notice to appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the state; (*Provided, however,* That if Ohio and Illinois states by an act of their Legislatures, grant an extension of this charter through their respective states, or either of them, to the head of the Maumee Bay and the Rapids of the Illinois, the citizen stockholders of the state of Ohio and Illinois shall be entitled to the like privileges and immunities of the citizen stockholders of Indiana;) which election of directors shall be holden within two months after the last share of five hundred shares shall have been subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections one share shall entitle the holder to one vote, and the votes may be given

by the persons owning the same; or by one of any partnership; or by the husband, father, mother, administrator, executor, trustee, or guardian; or by the authorized agent of any corporation, state, or United States; or any person having the right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body to be president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first, shall be held on the first Monday of October annually, under the direction of three stockholders not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notices shall be given: *Provided*, if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on another day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent, attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be held by the corporation or for any sum that may hereafter become due on contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportion of the stock subscribed, not exceeding fifteen per cent. of the amount of stock subscribed, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in at least two weekly newspapers printed in the immediate neighborhood of the rail road herein contemplated, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers in their

employ, bonds with security to their acceptance with such penalty as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents, shall have full power from time to time to examine, survey, mark, and locate the route of said rail road for a single or double track, commencing on the eastern line of the state, in a direction to the head of the Maumee Bay, as near on a line between the head of Maumee Bay and the Rapids as circumstances will permit, and running on the best ground for the interest of the company and convenience of the public, to the west line of the state, in the most approved direction to strike the rapids of the Illinois, or highest steam boat navigation of said river in the Illinois state: *Provided*, however, That if either of the state Legislatures of Ohio or Illinois do grant the privilege to said corporation to construct said rail road through that portion of their states to either or both of the designated points, then and in that case, the said corporation shall commence at a suitable place, at the head of the Maumee Bay on Lake Erie, and running on the best ground for the interest of the company and convenience of the public, through the state of Indiana to the Rapids of Illinois in the state of Illinois, with full power to diverge from a direct line, when more favorable ground can be had for the construction of said road, the same not to exceed eighty feet in width.

Sec. 14. And for the more effectually uniting and connecting the interest of said route, if the United States government do cause the said road to be surveyed and located from the head of the Maumee Bay to the Rapids of the Illinois river, by a United States engineer, against the fifteenth day of October, 1835, then and in that case, the said corporation shall adopt the route so located by the United States engineer, as the Buffalo and Mississippi rail road route, from the head of the Maumee Bay to the Rapids of the Illinois river; provided Ohio and Illinois give their consent to said location; otherwise to remain as in the thirteenth section specified.

Sec. 15. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Sec. 16. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons, through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber, or other materials, that may be obtained on said route, and may contract for

stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, signed by the party making the same.

Sec. 17. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials; and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn; and in case either party should shew sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without the costs: *Provided*, That either party may at any stage of the proceedings appeal to the Circuit Court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the ensuing term, at the discretion of the court; and the judgment of the Circuit Court shall be final.

Sec. 18. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county in which such land is situated, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notices, the said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

Sec. 19. That if it shall be found necessary and advantageous

to the location and construction of said rail road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right, and the said commissioners are hereby vested with power to grant the same by an order entered on the record: *Provided also*, that such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair for county use, as it was previous to such occupation.

Sec. 20. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere therewith, molest, disturb or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or effect the profits of said corporation.

Sec. 21. The said corporation shall commence the construction of said road any time within five years. The said route through the state of Indiana shall be divided into four divisions. The first division to commence at the east line of the state, thence west to range line, dividing five and six east shall be taken and considered the first division; that part from range line, dividing ranges five and six east, to the Michigan road to be taken and considered the second division; and that part from the Michigan road to the range line dividing ranges four and five west of the principal meridian, shall be taken and considered as the third division; and from said last mentioned range line, to the west line of the state to be taken and considered as the fourth division of said rail road; and the corporation may from time to time construct so much of said road, or any division thereof as may be within the ability and to the interest of the company, and shall complete it within twelve years from its commencement: *Provided*, That if the said road shall not be completed within the time aforesaid the General Assembly may for good cause shown give further time to complete the same; *Provided also*, That if any of said road shall be completed within the time aforesaid, that then, and in that case all the rights, privileges and benefits granted to said company in that act, shall be extended to and invested in said corporation to such part of said road as shall then be completed.

Sec. 22. It shall be the duty of the corporation whenever any state or county road now established shall cross or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of the state or county road shall not be obstructed; and in all cases where any person shall own land on both sides of said road, and there shall not be any causeway for a public road leading from one tract to the other, the owners of said land shall have the right, free of charge to cross the same, and to make such causeways as may be necessary for the convenience of

said owner: *Provided*, That said owner of land shall not injure or obstruct said rail road.

SEC. 23. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said rail road, whether propelled by steam or other power, for the transportation of passengers, for all kind of produce, lumber, goods, wares and merchandize or any other kind of property, and for this purpose the corporation may construct said rail road of wood, stone or iron, or of all with such locks, turnes, gates, bridges and aqueducts, culverts, toll and warehouses as may be considered necessary for the interest of the company and convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state of forwardness, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 24. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road or any part thereof as shall be for the interest of said company, and the same to change, lower or raise at pleasure: *Provided*, That the rates established from time to time shall be posted in some conspicuous place or places on said road.

SEC. 25. That when the aggregate amount of dividends declared, shall amount to the full sum invested and ten per cent. per annum thereon, the legislature may so regulate the tolls and freights, that no more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools, but the corporation shall not be compelled by law, to reduce the tolls and freights, so that a dividend of less than twenty per cent. cannot be made; and it shall be the duty of the corporation to furnish the legislature, if required, with a correct statement of the amount of the expenditures, and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officers, whose duty it shall be to make the same.

SEC. 26. Semi-annual dividends of so much of the profits as the said corporation may deem expedient shall be made on the first Monday of December and June annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the net profits after deducting all expenses; and the directors may reserve such porportion of the profits as a contingent fund to meet subsequent expenses as they shall deem proper.

SEC. 27. That if any person or persons shall knowingly and wilfully injure or obstruct said road or any part thereof, or shall break, destroy or deface any work, edifice, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corpora-

tion, five times the amount of damages actually done, with costs of suit to be recovered by the corporation, before any court having competent jurisdiction; *Provided*, That all actions commenced [by the corporation, for the recovery of damages shall be commenced] within six months from the time such cause of action accrued and not after.

SEC. 28. The state reserves the right to subscribe for eight hundred shares of the stock at any time within four years, from the first commencement of said road.

SEC. 29. It shall be lawful for the county commissioners of each and every county through which said road may pass for and on behalf of said county to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 30. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at each annual election, or at any other general meeting of the stockholders at least once in each year.

SEC. 31. Any number of the stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call; and, a majority of the stockholders being represented, they may make such order relative to the concerns of the company, as a majority may determine on.

SEC. 32. The said corporation, by their authorised agent, shall have power and authority to negotiate for, and borrow money on the credit of said corporation, to the amount of two hundred thousand dollars, from any person or persons, states, United States, or corporation; at a rate of interest not to exceed six per cent. per annum, for such a length of time as they may think proper, and can be agreed on by the parties for the payment of said money, so borrowed for the use of said corporation. The work and other property of said corporation together with the profits on said road, the individual stock in said corporation, and the individual stockholders thereof shall each be liable for said loan, or so much thereof as contracted for during the time in which they are respectively such stockholders, to an amount equal to their stock respectively, and in that proportion may be recovered, by a suit in equity or otherwise.

SEC. 33. The corporation may, by contract, admit the intersection of said road with any other rail road, turnpike, or collateral road.

SEC. 34. The state of Indiana, in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

SEC. 35. That should the Congress of the United States make a donation of lands to aid in the construction of said rail road, or a donation of money, which may be accepted by the corporation, then, and in that case, the United States, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll on said road.

SEC. 36. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 37. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State, and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pay the owner or owners of said land on said changed route, the amount of damage they may sustain by such re-location.

SEC. 38. This charter is limited to seventy-five years in its duration.

SEC. 39. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said rail road, and every section thereof, with all incidental expenses; and also a fair and accurate account of tolls received; and the state shall have the right to purchase the stock of said company at any time after thirty-five years, by paying said corporation a sum of money, which together with the tolls received, shall equal the costs and expenses of said rail road as aforesaid, with an interest of eighteen per cent. per annum; and the books of said corporation shall be always open for inspection of any agent of state, appointed for that purpose by the legislature, and if said corporation shall neglect or refuse to exhibit at any time, their books and accounts agreeably to this section, when thereunto required, then all the rights and privileges granted by this act, shall cease and be ended.

SEC. 40. The rail road company created by this act, shall have the right to commence the construction of said road, at such places on the said contemplated route, as the corporation may think best for the interest of the company, and public good.

SEC. 41. This act to be in force from and after its passage.

CHAPTER V.

AN ACT to incorporate the Fort Wayne and Laporte Clay Turnpike Company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Allen Hamilton, William G. Ewing, and Lewis G. Thompson, of Allen county; Elihu Tremble, Isaac Metcalf, Aaron M. Perine, John Shelly, Robert Wiley, and Edward McCartney, of Elkhart county; David Evans, William Wilson, and Griffith Treadway, of Laporte county, and Samuel Tabor of St. Joseph county, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the

name and style of "the President and Directors of the Fort Wayne Turnpike Company," shall be able and capable in law and equity to defend and be defended, answer and be answered unto in any and in all courts of justice whatsoever; to make and use a common seal, the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be seventy thousand dollars, divided into shares of one hundred dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their own body president, and after such organization, any three of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal shall from time to time be read, corrected, and signed by the President. They may sit on their own adjournments, or on the call of the president. When the president is absent, they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital [stock,] at such time and place or places as they may choose, due notice of which shall be given in some public newspaper in this state; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of one hundred dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as the president and directors of the Fort Wayne and Laporte Turnpike Company may direct. Witness our hands and seals this _____ day of _____

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock, and the county commissioners of each county through which the road may run, are authorised and required by their agent to subscribe for at least five shares of said stock; and the said corporation may by an agent offer for sale in every other state any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power on their own credit to borrow money upon such terms as may be agreed on by the parties. The corporation

may require such sum of money to be paid at the time of subscribing, not to exceed three dollars on each share, as they may think proper: but the amount required shall be made known at the notice for opening the books, and any future payments on stocks shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and two dollars paid on each share, it shall be the duty of the corporation to give three weeks' notice, at least, thereof in some newspaper in this state, and in such notice appoint a time and place for the stockholders to meet and elect five directors, who shall be stockholders and citizens of this state, and which election shall be by ballot, conducted under the superintendence of one inspector and two judges appointed by the stockholders present; and the persons having the highest number of votes for directors shall be declared duly elected. (No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election.) In all elections, each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by husband, father, mother, administrator, or executor, or trustee, or guardian, or by the agent of any corporation, or any person having the right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their body to be president. The president and directors thus elected shall continue in office until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Mondays of September annually, the directors acting as judges of said election; of which election notice shall be given to stockholders by the board of directors; but should no election be held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the clerk, and made assignable by endorsement; but such stock shall be and remain liable to the corporation for any dues from the original holder, and until the transfer is entered upon the corporation books, which shall not be done while there remains any thing due the corporation on such stock. The transfer and assignment of said stock may be made by any lawful agent or attorney, executor, administrator or guardian.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding ten per centum every six months, as they may think proper, to be paid at such time and place within any of the counties through which the road may pass, as they may designate, by giving thirty days' notice in some newspaper printed in this state, and by giving ten days' written notices to the stockholders, in which shall be specified the amount demanded on each

share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for in any court of competent jurisdiction, and recover the amount with five per centum interest thereon per month until paid; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The corporation shall require from all officers and others in their employment bonds with security as they may think proper, for the faithful performance of their respective duties.

SEC. 12. The corporation by their agents shall have power from time to time to examine, survey, mark, and locate the road for a clay turnpike road from the town of Fort Wayne in Allen county to the town of Laporte in Laporte county, the seat of justice of said county, on the most eligible and suitable ground, commencing at the town of Fort Wayne, with full power to diverge from a direct line between the points named, where more favorable ground can be had for the construction of said road; the same not to be more than eighty feet in width. *It is further provided,* That said road be divided into four sections as follows, to wit: all that part of said road from Fort Wayne to Blue river shall be taken and considered the first section; that part from Blue river to where the same may cross the Tippecanoe river, to be taken and considered the second section; and that part from Tippecanoe river to the crossing of the Michigan road, to be taken and considered the third section; and all that part from the Michigan road to the town of Laporte, to be taken and considered the fourth section of said road; and the said corporation shall have full power and authority to open books for the subscription of stock for the entire construction of said road its whole length; or the said corporation may open books for the subscription of stock, to be subscribed for the constructing and completing the first, second, third, or fourth sections of said road, as the case may be, beginning with the first divisional section, as the said corporation may deem most advisable under the regulations and provisions of this act.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for timber, stone, gravel, or other materials necessary for the constructing of said road; but no wood, gravel, stone, or other material shall be taken away from any land without the consent or knowledge of the owner thereof until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or af-

ter the location of any section of the road, to obtain from the person or persons through whose land the same may pass a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber, and other materials that may be obtained on said route; and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labour, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, and donations, gifts, grants, or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location and for the benefit of the corporation, shall be binding and obligatory; and the corporation shall and may have their action at law in any court of competent jurisdiction to compel a compliance thereto.

Sec. 15. That the said corporation shall have power and authority to construct a bridge across the canal and St. Joseph feeder if necessary, so as not to obstruct or interfere with the ordinary use or construction of the canal; and in all cases where the said road may be located on any wild lands not owned by any individual or individuals at the time of location of said road, such person or persons purchasing said land through which said road passes, shall not be allowed to claim any damages for so much land as may be necessary for the construction of said road.

Sec. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstance may occur or exist, and such justice shall thereupon summon the owner of the land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon whether such person be entitled to damages or not; and if so, how much, and shall file such report with the said justice of the peace: whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, Either may at any time after the rendition of judgment, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who shall report at that or at the succeeding term of the circuit court, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

Sec. 17. If it shall be found necessary to the construction and loca-

tion of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided*, That all county and state roads crossing said turnpike road, shall be left open and free.

Sec. 18. That when said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure, or disturb any of the rights and privileges herein granted.

Sec. 19. The corporation shall commence the construction of said road within five years and complete the same within twenty years from its commencement: *Provided, however*, That if any one of the sections of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to the part of said road so completed, although the residue of said road may not have been completed within the time aforesaid.

Sec. 20. The corporation shall cause said road to be opened not exceeding eighty feet wide, and at least twenty-four feet shall be made an artificial road, rising in the middle with a gradual curve; the convex of said road to be composed of gravel, sand, or clay, or other suitable materials, well compacted together in such manner as to secure a firm, substantial and even road, and shall maintain and keep the same in good repair; and in no case shall the ascent in the road be greater than an elevation of ten degrees.

Sec. 21. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the secretary of state and after that time it shall not be lawful for said corporation to alter or change any part thereof unless said corporation pay the owner or owners of land on said route; the amount of damages they may sustain by such change.

Sec. 22. That if said road after its completion or any section thereof shall be suffered to go to decay or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

Sec. 23. So soon as the said corporation shall have completed the road as aforesaid or any section as aforesaid, or ten miles of any section beginning at Fort Wayne, and so on from time to time as often as any continuous ten miles of said road shall be completed, an agent shall be appointed by the Governor, (on the application of the corporation) who shall examine the same, and report his opinion in writing to the corporation, and if such report shall state the road or any ten continuous miles of the same to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than ten miles, and demand and receive of persons travelling said road, the tolls allowed by this act.

Sec. 24. The following shall be the rates of tolls for each and

every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage, wagon, or other vehicle, drawn by one horse or other animal, twelve and a half cents; for every horse or other animal in addition, five cents; for every cart chaise, or other two wheel carriage or vehicle, drawn by one horse or other animal, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, eight cents; for every horse or other animal in addition, four cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse, eighteen and three fourths cents; for every additional horse, ten cents; for every horse and rider, five cents; for every other animal of the every kind six months old and upwards, led or driven, two cents; for every head of neat cattle, one year old and upwards, one cent; *Provided, however,* That all executive expresses of the state government; munitions of war, persons going and returning from public worship, all preachers of the gospel, and all militiamen going to and returning from musters, and all funeral processions, shall pass said road toll free; *Provided also,* That should the United States congress make any grant of land or money toward the construction of said road, all expresses from the United States executive, and all regular officers and soldiers and munitions of war belonging to the United States shall pass free of toll; *Provided however,* That the legislature may before the expiration of six years after the commencement of said road, by paying the corporation all monies laid out and expended by said corporation, about the construction of said road, and fifteen per centum on such amount, take the road under their own directions and the corporation shall thereby cease and not otherwise.

SEC. 25. If any person or persons, using said road shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided,* That nothing in this act shall be so construed, as to prevent persons residing on said road from passing thereon, about their premises between the gates, for common and ordinary business.

SEC. 26. The company shall put up a post or stone at the end of each mile, with the number of miles from — where the road may be commenced, fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of

toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 27. Any person wilfully or negligently destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 28. If any toll gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 29. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road, or any section thereof with all incidental expenses; and also a fair account of the toll received; and the books of the corporation always to be kept open for the inspection of any authorized agent of the government or stockholders, or creditor of said company; and said company may at any time dispose of the stock to the state at a rate of interest on the money actually paid or expended about said work of twelve and a half per centum per annum.

SEC. 30. The said corporation shall have full power and authority to demand and receive [such toll] from the United States mail carriages and carriers, as they have by this act a right to do, from the driver of similar carriages: *Provided however,* That nothing herein contained shall be so construed as to empower said corporation, or their agent to stop or detain any person, while actually employed in conveying the United States mail.

SEC. 31. Should the corporation find it necessary to increase the capital stock for the prosecution of the work, they are hereby empowered to make the capital stock one hundred thousand dollars and open books, for the subscription of the same, on the conditions herein prescribed.

SEC. 32. This charter shall be limited to forty years in its duration.

SEC. 33. This act to be in force from and after its passage, and shall be considered a public act in all courts of record in and out of this state, and in courts of justices of the peace, and shall be beneficially construed.

CHAPTER VI.

AN ACT to incorporate the Crawford county seminary.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters living in Crawford county, are hereby authorised to elect, at their next April election, one seminary trustee in each township in said county, by a vote of the whole county, and the qualified voter in each township receiving the highest number of votes given in at said election in the whole county, shall be considered as duly elected trustee.

SEC. 2. It shall be the duty of the clerk of the county court, to make out a certificate of election for each trustee, so selected, and give [them] to the sheriff of said county, within ten days after said election, and the sheriff shall, within ten days after the reception of said certificates of election, cause the same to be given to the trustees so elected, which certificates shall be sufficient authority for such trustee to take his seat and act as a member of the board.

SEC. 3. The trustees so elected, or two thirds of them, shall meet in the town of Levenworth on the first Monday in May next, or on any subsequent day that a majority of them may deem more expedient, and each shall, before entering on the duties of trustee, execute a bond with security, to be approved by the clerk of the county court or his deputy, made payable to the state of Indiana, in a penalty of four hundred dollars, conditioned for the faithful performanc of their duties as such, which bond shall be filed in the clerk's office of said court.

SEC. 4. The election of trustees for the Crawford county seminary, shall in all respects be governed according to the act entitled "an act to regulate general elections," approved January 30, 1831, if not otherwise specified by this act.

SEC. 5. If a vacancy happens in the office of trustee in said seminary, by death, removal, resignation, refusal to act, or in any other way, then the qualified voters of Crawford county shall forthwith elect another to fill such vacancy, and the qualified voter, a resident of the township in which the vacancy may happen, who shall receive the highest number of votes in the whole county, for seminary trustee, shall be considered as duly elected. To effect which, it shall be the duty of the acting trustees or a majority of them, to give the inspectors of such in each township, a written notice of such vacancy; and upon the receipt of said written notice, the inspector shall give a written notice to the voters of such township of such intended election, at least ten days previous thereto, by advertising the same at the place where such election is to be holden, and a like notice shall be given previous to the election of the first trustees in each township; which notice shall be given and advertised by the sheriff of Crawford county.

SEC. 6. The trustees so elected, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the president and trustees of the Crawford county seminary, and by the same corporate name, may sue and be sued, plead and be impleaded in any court of legal proceeding in this state, and by that name have perpetual succession. They shall in law, by said name, be capable of purchasing, holding, bargaining, selling and conveying any property, either real or personal, for the use of said seminary, whether by legal or equitable title. They shall further be empowered to receive any gifts, grants, or bequests, which shall solely be appropriated for the use and benefit of said seminary, in such manner as a majority of the trustees shall deem most profitable for the seminary. They shall be entitled to and have a right to demand and receive all seminary funds or money, which may be due by fine or otherwise, or which will be due on or before the first day of September, 1835, or which is now on hands.

SEC. 7. The trustees shall, at their first meeting, or at any subsequent meeting, which a majority of them may appoint, a majority agreeing, designate, fix, and determine, at which place in said county the seminary shall be located, and a suitable building erected. And upon a majority of the trustees selecting and obtaining a suitable lot or parcel of ground to erect such a building for the county seminary as aforesaid, as they may deem advisable, and having procured a conveyance thereof to them as such body corporate, they may demand and receive, and appropriate all the seminary funds of said county, as are now or may be on hand at any time on or before the first day of September, 1835: *Provided*, Such funds, together with such voluntary subscriptions as may be raised, are sufficient to erect and complete such a building as the trustees or a majority of them may agree to erect.

SEC. 8. The trustees or a majority of them, at their first or any subsequent meeting, shall elect of their own body, a president and a secretary, and also a treasurer who may not be of their body, to continue in office during the will of a majority of the trustees, who shall at any time have power to remove either of them from office, and fill the vacancy.

SEC. 9. Such treasurer before he enters upon the duties of his office, shall execute his bond with security, to be approved of by a majority of the trustees, in a penal sum not exceeding double the amount of funds, notes and debts that will likely come into his hands as such treasurer, and conditioned for the faithful performance of his trust, and that he will pay over to his successor, on the order of the trustees, all money that may come to his hands, and bonds, notes, and every other kind of property thereunto belonging, and shall also take an oath before some justice of the peace, for the due performance of his duties.

SEC. 10. Said trustees shall purchase a book, in which the secretary shall record all their proceedings; and each day's proceedings

shall be read over in the hearing of the board of trustees, and (after correction, if necessary,) shall be signed by the president and attested by the secretary.

SEC. 11. The treasurer shall have all the rights, powers, incidents, and subject to all the duties and liabilities of the present seminary trustees of Crawford county, subject however to the provisions of this act, and nothing in this act contained, shall prevent said board of trustees from appointing the trustee of the seminary fund of said county, as such treasurer.

SEC. 12. The trustees of the seminary, when elected according to the provisions of this act, shall be the trustees also of the Crawford county library, and shall have all the rights, powers and incidents, and subject to all the duties and liabilities as trustees of said county library, in the same manner as if they had been elected and qualified into office, according to the provisions of an act entitled "an act for the incorporation of county libraries," approved February 9, 1831.

SEC. 13. The treasurer of Crawford county is hereby authorised and required to pay any order given by the board of commissioners in favour of the trustees of the Crawford county library, out of the first money which may come into the county treasury; and the county treasurer is hereby authorised to give the preference in the payment of claims, to any legal claim which may be in favor of said county library.

SEC. 14. That from and after the time that said treasurer is appointed and qualified to act as such, it shall be the duty of all persons having money for the use and benefit of said fund, to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same, and said board shall have the right of instituting suit for any such money not so paid over.

SEC. 15. The trustees so elected according to the provisions of this act shall remain in office during good behavior, subject to be removed by the board doing county business, for good cause shewn, and the vacancies to be filled as directed in a foregoing section of this act, and the trustees of the Crawford county seminary, when elected, shall in all respects be governed according to the provisions of "an act relating to county seminaries," approved February 4, 1831, which do not come within the purview of this act.

SEC. 16. The present seminary trustee of Crawford county, or the trustees who may be elected according to the provisions of this act, shall have power to demand and receive from the Treasurer of State the due proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which said county of Crawford is or may be entitled, whose receipt or order shall be a sufficient voucher for the same.

SEC. 17. All laws and parts of laws which come within the purview of this act, are hereby repealed.

This act to be in force from and after its publication in the Indiana Democrat.

CHAPTER VI.

AN ACT to incorporate the Wayne and Union turnpike company, and the Brownsville and Centerville turnpike company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Beit enacted by the General Assembly of the State of Indiana, That George Hunt, Caleb Jackson, Beal Butler, William Commons, and Thomas Commons, of the county of Wayne, and Matthias Foshier, Archibald Estep, Erasmus Rose, William Stephens, Joel Hayworth, and Samuel Farlow, of the county of Union, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of "The president and directors of the Wayne and Union turnpike company," shall be able and capable in law and equity to sue and be sued, plead and be impeaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable at law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the state of Indiana.*

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body president, and after such organization any five of the board shall be a quorum; but after an election for directors it shall require a majority to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and others in their employ; which journal shall from time to time be read by the board, and if found to be correct, shall be signed by the President. They may sit on their own adjournments, or on the call of the President: when the President is absent they may appoint a President *pro tempore*. They shall fill all vacancies which may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time or such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made:—

"We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportions, and at such time, as the President and directors of the Wayne and Union turnpike company may direct. Witness our hands this day of 1833."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any county, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, or any subsequent time, not exceeding five dollars on each share, as they may think proper; but such requisitions shall be made known by being inserted in the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as five hundred shares are subscribed, and five dollars paid on each share, it shall be the duty of the corporation to give four weeks notice thereof, in one or more newspapers; and in such notice appoint a time and place for the stockholders to meet and elect eleven directors, who shall be stockholders and citizens of this state; which election shall be held within one month after the last share in the five hundred shares was subscribed for, and shall be conducted by two judges, appointed by the stockholders present; and the persons having the highest plurality of the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections each share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorised agent of any corporation, county, or state or of the United States; or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first, shall be held on the first Monday of September annually, under the direction of any three stockholders, not directors at the time, to be appointed by the board at a private

previous meeting, or by the stockholders present, of which election notice shall be given: *Provided*, That if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the book of the corporation only, personally, or by an agent, or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be held by the corporation for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. per month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or to receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such penalties as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents, shall have full power from time to time to examine, survey, mark, and locate the route for a turnpike road, commencing at the town of Centerville in Wayne county, and running on the best ground for the interest of the corporation and the convenience of the public, via Liberty in Union county, to the College corner, on the line dividing Indiana and Ohio states.

Sec. 14. And for the purpose of making such examination and lo-

cation, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons, through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, timber, or other materials, that may be obtained on said route, and may contract for such materials that may be obtained on any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law or in equity, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulties may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials; and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party show good cause why judgment should not be entered, the justice may grant a review of the premises either with or without cost: *Provided*, That either party may at any stage of the proceedings appeal to the Circuit Court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the Circuit Court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where the land may lie, such justice shall cause the three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person should attend upon the day named in said notice, the said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of such costs or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, Before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right, and such commissioners are hereby vested with power to grant the same by an order entered on their records.

SEC. 19. That when said corporation shall have procured the right of way as hereinafter provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The said corporation shall commence the construction of said road at either end, at the discretion of the corporation, any time within five years after the passage of this act, and may from time to time construct so much thereof as may be within the ability and to the interest of said corporation: *Provided*, That said road shall be completed within twenty-five years from its commencement, or in either case, so far completed as to admit travel thereon: *Provided*, That should the road not be completed within the time aforesaid, the General Assembly may, for good cause shewn, give further time to complete the same.

SEC. 21. The corporation may charge and recover such toll, from all persons, travelling, or for the privilege of driving all manner of live stock, waggons and teams, pleasure carriages, sleighs, &c. on said road or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, That the rates established from time to time shall be posted up in some conspicuous place or places on said road.

SEC. 22. That when the aggregate amount of dividends declared, shall amount to the full sum of capital invested and six per cent. per annum interest thereon, the boards doing county business in the com-

of Wayne and Union may so regulate the tolls and freights, that not more than fifteen per cent. per annum on the capital shall be divided, and no other, or greater rates of toll shall be collected than shall be necessary to defray the contingent expenses of said road, but the corporation shall not be compelled by any law or regulation or [of] said boards doing county business, to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made; and it shall be the duty of the corporation to furnish the said boards doing county business, at their fall term each year, with a correct statement of the amount of the expenditures, and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Sec. 23. The corporation may make dividends at such time as the board of directors may deem proper and expedient.

Sec. 24. That if any person or persons shall willfully and knowingly injure or obstruct said road or any part thereof, or shall break, destroy or deface any work, edifice, device, or toll-gate belonging thereto, such person or persons so offending, shall pay to the corporation, three times the amount of damages actually done, with the costs of suit to be recovered by the corporation, before any court having competent jurisdiction; *Provided*, That all actions commenced by the corporation, for the recovery of damages shall be commenced within six months from the time such cause of action accrued and not after.

Sec. 25. It shall be lawful for the boards doing county business in the counties of Wayne and Union, to authorise, by an order, as much of the stock to be taken, as they may think proper.

Sec. 26. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at any annual election, or at any other general meeting of the stockholders.

Sec. 27. Any number of the stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call; and, a majority of such stockholders being represented, they may make such order relative to the concerns of the company, as a majority may determine.

Sec. 28. The corporation may, by contract, admit the intersection with the turnpike road of any other turnpike, or other road, or any collateral road.

Sec. 29. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at at any general meeting, reduce the number of directors to any number not less than five.

Sec. 30. When the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited, and cause to be recorded in the clerk's offices in the counties of Wayne and Union, and from and after that time it shall not be lawful for said corpo-

ration to alter or change any part of said location, unless said corporation pay to the owner or owners of said land on said changed route, the amount of damage they may sustain by such re-location.

Sec. 31. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited; it shall and may be lawful for the counties of Wayne and Union, at any time after the period of fifty years, to require said company to yield up and surrender to the said counties, the said road and all the privileges hereby conferred, on giving the said company one year's notice of such intention, and on paying the said company the value of said road, and after property connected thereto.

Sec. 32. That Ira Grover, William Youse, Samuel Tizzard, James Lamba, and Jesse Storr, of Union county, and William Elliott, William Nidup, Jesse Neal, and Edmund Jones, of Wayne county, and their successors in office, duly elected and qualified in the same way and manner provided for in this act, incorporating the president and directors of the Wayne and Union turnpike, be and they are hereby constituted and declared a body corporate and politic, by the name and style of the president and directors of the Brownsville and Centreville turnpike company; and by such name and style, shall be able and capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice having jurisdiction of the subject matter; and to make and use a common seal, and the same to alter, change, and renew at pleasure, and shall be able and capable in law, to make all contracts and to enforce the same, and do all other acts, matters and things, in the same way and manner, and under the same rules, regulations, and restrictions that the president and directors of the Wayne and Union turnpike company, are authorised to do and perform by the provisions of the charter by this act granted, to said last mentioned company.

Sec. 33. That the capital stock of said Brownsville and Centreville turnpike company, is hereby declared to be twenty thousand dollars; and the same shall be divided as aforesaid, into shares of twenty-five dollars each; and the directors hereby in the thirty-second section of this act appointed, or a majority of them, may meet in the same way and manner, and in all things be governed by the provisions of this act, incorporating the Wayne and Union turnpike company.

Sec. 34. That the said president and trustees of said Brownsville and Centreville turnpike company, may at any time after the taking effect of this act, by themselves or agents, have full power and authority to examine, survey, mark, and locate the route, for a turnpike road, commencing at Brownsville in Union county, and from thence running on the nearest and best route for the interest of said corporation, and the convenience of the public, via Philomath, in Union county, to Centreville, in Wayne county; and said company shall, in

all other respects, be governed by the provisions of the charter by this act granted to the Wayne and Union turnpike company; and all the rights, privileges, and immunities of said charter, are hereby extended to the said Brownsville and Centreville turnpike company, as fully to all intents and purposes, as the same is made applicable to the Wayne and Union turnpike company; and shall in all things be governed by the same restrictions and limitations of said charter.

Sec. 35. This act, and the act to incorporate the St. Joseph iron company, passed January 23, 1835, to be in force from and after their passage, and they shall be taken to be public acts, and favorably construed, for all beneficial purposes.

CHAPTER VII.

AN ACT to incorporate the townships in the county of Warren.

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several townships in the county of Warren, which now are or may hereafter be legally organized in the county, are hereby declared bodies politic and corporate, and by the names of their incorporations, may sue and be sued, plead and be impleaded, answer and be answered unto in any court having competent jurisdiction thereof.

Sec. 2. The qualified electors in said county are hereby authorized and required to meet in their respective townships, at the usual places of holding elections, on the first Monday in April annually, and then proceed to elect three township trustees, a township treasurer and clerk, two overseers of the poor, two fence viewers, one or more constables, not exceeding three, as the trustees may direct, and after the first election under the provisions of this act, one supervisor of highways within and for each highway district in the township.

Sec. 3. At the first election held agreeably to the provisions of this act, the inspectors that now are or may be appointed in said county shall conduct the elections in the same manner as is now provided for conducting county or township elections; he shall cause certificates of elections to be made out and signed by himself and the judges of such elections and attested by [the] clerk, and shall deliver the same to constables of the proper township, who shall within five days deliver the same to the person elected as aforesaid, and the person so elected shall ten days after receiving the said certificate appear before some person authorised to administer the same and there take the oath prescribed by the fourth section of the act.

Sec. 4. All officers elected pursuant to the provisions of this act shall possess the qualification of electors at state and county elections; they shall receive each a certificate of their election, and shall

within ten days appear before the township clerk, and take an oath of affirmation faithfully and impartially to discharge the duties of their office according to law, which oath the clerk is hereby authorised to administer, and he shall endorse said oath or affirmation in a separate book to be provided for that purpose: *Provided however,* That the clerk shall appear before some justice of the peace for the proper township within five days after his election, and take the oath prescribed by this section, which oath or affirmation shall be endorsed and recorded in like manner as herein provided.

Sec. 5. The officers elected agreeably to the provisions of this act shall severally hold their offices one year and until their successors are chosen and qualified: *Provided however,* That the township clerk shall hold his office two years and until his successor is chosen and qualified; and the officers elected as aforesaid shall, before entering on the duties enjoined on them by this act, take the oath prescribed in this section; the township treasurer and constable or constables, shall, before entering on their duties, severally give bond with security to be approved of by the township trustees in the sum of five hundred dollars conditioned for the faithful discharge of the duties enjoined on him by this act, which bond shall be made payable to the township trustees.

Sec. 6. The township trustees shall meet at the usual places of holding elections, or as near thereto as shall be convenient, on the third Monday of June annually; to transact the business of the townships, they shall at their first meeting, divide their township into a suitable number of road districts by range, township, county, section, or half section lines, and shall at their first meeting aforesaid appoint a suitable person in each district aforesaid as supervisor of highways who shall continue in office until their successors are elected and qualified, and shall be governed as supervisors are in other cases: *Provided,* That trustees may at any subsequent meeting after [alter] the lines of old, or from [form] new road districts, and shall determine the place of holding elections.

Sec. 7. It shall be the duty of the trustees to superintend, take charge of, and transact all the pecuniary concerns of the townships, settle and audit the account of overseers of the poor; and they shall have a general superintendence of roads and highways within their respective townships, see that supervisors perform their duties in due season, and prosecute them for neglecting to discharge any of the duties enjoined on them by law; they shall have power to alter or change any township road agreeably to the provisions of the seveneenth section of this act, and establish cart ways according to law.

Sec. 8. On the objects of county revenue the trustees may pass and direct the collection of such taxes as may be necessary to defray the necessary expenses of the township; they shall appoint one of the constables township collector, who shall give additional bond to the treasurer in such sum as the trustees may require: *Provided however,* That in no case said assessment shall exceed half the amount of county tax.

Sec. 9. The trustees elected as aforesaid shall be judges of all elections held within their respective township, shall appoint for the time being some suitable person, who together with the township clerk shall [act] as clerks at township elections.

Sec. 10. The trustees shall fill all vacancies that may be occasioned by death or the removal of any of the officers named in this act, and the persons so appointed shall receive the same certificate, give the same bond, and take the same oath as required in other cases.

Sec. 11. It shall be the duty of the township clerk to give notice of elections held under the provisions of this act, by setting up three manuscript advertisements [at] three of the most public places in the township, at least fifteen days previous thereto, he shall attend and act as clerk at all elections, and shall provide duplicate poll books and tally papers, and the necessary blank certificates agreeably to the forms furnished by the clerk of the circuit court, and shall provide a sufficient number of blank certificates of election to be filled up and signed on the day of election as provided in the fourth section of this act.

Sec. 12. The clerk shall attend all meetings of the trustees and keep a fair and correct record of their proceedings in a well bound book, to be provided for that purpose by the trustees; he shall record all private road and cart ways, established by the trustees, and also all changes of county and township roads, which said trustees shall make agreeably to the provisions of the 17th section of this act.

Sec. 13. The township clerk shall be assessor of state and county revenue, and shall enter into such bond as the county commissioners may require, and shall be governed in all cases by the law regulating the assessing and collecting revenue: *Provided however*, That the assessment roll shall be completed on or before the third Monday of April, at which time he shall lay the same before the trustees for inspection of all persons concerned, and the trustees shall direct the clerk to correct all errors which may be discovered in said assessment roll; the clerk shall make out duplicate list of the township assessment, and shall deliver one to the township treasurer, and the other to the township collector within ten days after the meeting in April; he shall take from the treasurer a receipt for said assessment list, which shall specify the amount thereof, which receipt he shall carefully preserve.

Sec. 14. The clerk shall carefully preserve all books and papers belonging to the township, and shall deliver the same to his successor; he shall for assessing the state and county revenue receive such compensation as the county commissioners may deem just and reasonable, to be paid out of the county treasury, and for keeping the township records, he shall receive such compensation as the trustees may deem reasonable and just, to be paid out of the township treasury; and for his services as clerk of elections he shall be exempt from working on public roads and highways.

Sec. 15. It shall be the duty of the treasurer to receive all mon-

ey's belonging to the township and pay the same over, on the order of the trustees, attested by their clerk, he shall produce his books and vouchers, and settle with the trustees at their meeting on the third Monday of April. And it is hereby made his duty to prosecute on the township collectors bond for failing to collect and pay any moneys required of them by this act; he shall deliver all moneys, books, and papers to his successor, and shall receive such compensation as the trustees may deem reasonable to be paid or allowed by said trustees.

Sec. 16. The township collectors shall collect and pay into the township treasury the amount of taxes charged in the duplicate, for which purpose he shall call at the usual places of residence of each person chargeable with township tax, on or before the first day of December annually, after which he may proceed to make the amount, which may still remain due, by distress and sale of the personal goods and chattels of the delinquent, giving ten days notice of every such sale by setting up manuscript advertisements in three of the most public places in the township, returning the overplus if any, to the owners: *Provided however*, That the treasurer may at their meeting in October discharge said collector from the collection of assessments upon such persons as may be found unable to pay, or such as may have removed from the township, and the trustees shall make the collector such allowance for collecting as to them may appear just and reasonable.

Sec. 17. Any person or persons who shall be desirous to change any township or county road, through his, her or their lands shall notify the trustees of his township, who shall proceed to view the ground on which it is proposed to change said road and if in the opinion of the trustees, the proposed change will not be materially injurious to the public, they may authorise the applicant or applicants to change the same, at his, or their own expense, and the trustees shall direct the clerk to record the same; *Provided however*, That the person or persons desirous of making such change shall in all cases give at least twenty days' previous notice of his application, by setting up written notices in three of the most public places in the township at [of] the time and place of meeting. The trustees shall be entitled to receive from such applicants the sum of seventy five cents for the time employed in the duty by this section required. And where either of the trustees are desirous of making such change, the other two trustees and constable shall proceed to examine the proposed change and shall be governed in all other respects by this section in altering any township road.

Sec. 18. All officers elected or appointed agreeably to the provisions of this act, shall in all respects be governed by the laws now in force regulating county and township officers, except as is herein expressly provided. The trustees shall each receive fifty cents per day for altering [attending] the semi annual meetings, and for their services as judges of elections they shall be exempt from working on roads and highways.

Sec. 19. Any person elected or appointed under the provisions of

this act, who shall neglect or refuse to serve, shall forfeit and pay to and for the use of the township, the sum of three dollars, together with costs of suit to be recovered in an action of debt before any justice of the peace of the proper township; and the clerk is hereby required to demand, receive, or sue for the same in the name of the township and shall pay the same into the township treasury, whenever collected, *Provided*, That no person shall be compelled to serve more than two years in succession.

SEC. 20. Any person accepting any office under the provisions of this act, who shall neglect or refuse to discharge the duties required of them by law, shall be fined in any sum not exceeding thirty dollars, at the discretion of the circuit court, to be recovered by presentment or indictment.

SEC. 21. The board doing county business at their session in November annually shall make out a list of the number of grand and petit jurors necessary for the ensuing year, dividing the number equally amongst the several townships, which shall be transmitted by the clerk of said board to the sheriff, whose duty it shall be to deliver a copy of the same to each of the township clerks, who shall lay the said list before the board of trustees, at their session the succeeding December, and the trustees shall take from their poll book, as returned by the assessor of such township, such number of jurors, grand and petit, as may be required by the said board doing county business, and said list shall be handed over by the clerks of the townships to the sheriff, in ten days after making out the same. And after the taking effect of this act it shall not be necessary for the board doing county business for said county to hold but two sessions annually one on the first Monday in May, and the other, the first Monday in November, and shall sit four days at each session, if the business require it; *Provided however*, that nothing in this act shall prevent said board from holding special sessions for the purpose of transacting any business pertaining to the public buildings in said county.

SEC. 22. If there should a law pass to provide for an equitable mode of levying the taxes of this state, then and in that case, the person taking in the list of taxable property in each township, shall be governed in all respects as is provided for listing the property in said act. This act to take effect and be in force, from and after its publication in the Indiana Journal.

CHAPTER VIII.

AN ACT to incorporate the Charlestown Rail Road Company.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Carr, John C. Parker, John Work, senr., John Austin, Christopher Cole, Resin Hammond, Benjamin Ferguson, John W. Long, George Mathews, James Bently, George Huckleberry, Littleton Howard, Hugh Lyle, John Shelby, Charles Dewey, Henry Harrod, and their successors in office, duly elected, as hereinafter directed, are hereby constituted a body politic and corporate, by the name and style of "the President and Directors of the Charlestown Rail Road Company," and by such corporate name, shall be able and capable in law, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatsoever; to make and use a common seal, the same to alter or renew at pleasure, and shall be able and capable in law to make and enforce contracts made by them for the purpose of the corporation, and to also make and enforce all necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the object contemplated by the same, not inconsistent with the laws and constitution of this state, or of the United States.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet in the town of Charlestown, at such time as they may agree upon, and organize said corporation by electing one of their own body to be president, and after such organization, any three of the board shall be a quorum, but after an election for directors shall have been holden, under the provisions of this act, it shall require five directors present, to form a quorum for the transaction of business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall from time to time be read by the board, and if found to be correct, shall be signed by the president, and countersigned by the clerk of said board. They may sit on their own adjournments, or on the call of the president, and when the president is absent, they may appoint a president *pro tempore*, and shall have power to fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places

as they may deem expedient, due notice of which shall be given; in each of which books the following entry shall be made, to wit: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as may be directed by the president and directors of the Charlestown Rail Road Company. Witness our hands this day of _____ A. D. 1833."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation may choose, and may be re-opened at any time; and they may by an agent offer for sale in any other state any amount of stock on such terms and conditions as they may deem advisable; and they shall have power on their own credit to borrow money on such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as one hundred shares are subscribed, and five dollars are paid on each share, it shall be the duty of the corporation to give four weeks' notice thereof, by written advertisement, or publication in the nearest newspaper to the line of said rail road, and in such notice shall appoint a time and place for the stockholders to meet and elect twelve directors, who shall be stockholders and citizens of the state, which election shall be held within three months after the last share in the one hundred shares is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the person having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer the right to vote at any election unless the same shall have been held one month previous to the election. In all elections, one share shall entitle the holder to one vote, and votes may be given by the persons holding the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustees or guardian, or by the authorized agent of any corporation, state, or of the United States, or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president. The president and directors thus elected shall continue in office until their next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the third Monday of October, annually, under the direction of three stockholders,

not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election due notice shall be given: *Provided*, That if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of the stock held, and shall be signed by the president and countersigned by the clerk. Stock shall be transferable on the books of the corporation, only personally, or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall at all times be held by the corporation for any dues from the holder thereof to the corporation, or for any sum that may hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof, in some public newspaper, or by written notification to the stockholders; in all of which notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time prescribed for the payment thereof, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with five per cent. per month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such penalties as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents shall have full power to examine, survey, mark, locate and establish a rail road for a single or double track from the town of Charlestown in the county of Clark, to the most convenient and eligible point on the Ohio river, with full power in all cases to diverge from a direct line where more favorable ground can be had for the construction of the road; the same to be not more than eighty feet wide.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and per-

sons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials shall be taken away from any land without the consent of the owner thereof until the rate of compensation therefor shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass a relinquishment of so much of said land as may be necessary for its construction and location, as also the stone, gravel, timber, or other materials that may be obtained on said route; and may contract for stone, gravel, timber, or other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labour, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have its action at law in any court of competent jurisdiction to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, and bequests, shall be fully and plainly made in writing and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation [to give notice] to a justice of the peace nearest where such difficulties occur, that such facts do exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not; and if so, how much, and shall file such report with said justice: whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner of such land or materi-

als shall be minors, insane, or non-residents of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials; costs shall be allowed or awarded against either party at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners for such right, and the said commissioners are hereby vested with power to grant the same by an order entered on their records; *And provided also*, That such right shall be granted on the condition that said corporation shall leave a sufficiency of said state or county road in as good repair for common use as previous to such occupation.

SEC. 19. That when said corporation shall have procured said right of way as heretofore provided, they shall be seized in fee simple of the right of said land, and shall have the sole use and occupancy of the same; and no person, body politic or corporate, shall in any way interfere therewith, molest, disturb or injure, any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road at any time within five years after the opening of the books, and from time to time construct so much towards the point of destination as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same: *Provided, also*, That if any part of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act shall be extended to, and invested in, said corporation to such part of said road as shall then be completed.

SEC. 21. It shall be the duty of said corporation whenever any state or county road now established shall cross, or hereafter may cross said rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state and county road shall not be obstructed; and in all cases where any person shall own lands on both sides of the said rail road, and there shall not be any causeways for a public road leading from one tract to the other, the owner of

such land shall have the right free, of any charge to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize or any other kind of property, and for this purpose the corporation may construct said road with such locks, turns, bridges, gates, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights, on such part of the road as may be in a sufficient state for travel although the same be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged although the rails may not be so far laid as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freight for transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of said company, and the same to change, lower or raise at pleasure: *Provided*, That the rates established from time to time shall be posted up in some conspicuous place or places on said road.

SEC. 24. Semi-annual dividends of so much of the profits as the corporation may deem expedient shall be made on the first Mondays of January and July annually, unless the directors fix on a different day, and paid to the stockholders as soon thereafter as can with convenience be done, but no dividend shall be made to a greater amount than the net profits after deducting all expenses; and the directors may reserve such proportion of the profits as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

SEC. 25. That if any person or persons shall wilfully or knowingly injure or obstruct said road or any part thereof, or shall break, destroy or deince any work, edifices, devices, toll or warehouse belonging thereto such person or persons so offending shall pay to the corporation five times the amount of the damages actually done, with costs of suit, to be recovered for the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages shall be commenced within six months from the time such cause of actions accrued and not after.

SEC. 26. Within five years from the commencement of the work.*

SEC. 27. It shall be lawful for the county commissioners for the county through which said road passes, for and on behalf of said county, to authorise by an order as much of the stock to be taken, as they may think proper, at any time within five years from the opening of the books.

* A part of this section appears to be omitted, and there are no means of supplying it, as the engrossed bill is not on the files.

WILLIAM SHEETS, Secretary of State.

SEC. 28. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election or at any other general meeting of the stockholders.

SEC. 29. Any number of the stockholders owning one third of the stock may call a general meeting of the stockholders, by giving four weeks notice thereof, in which specifying the object of the call, and, a majority of the stock being represented, they may make such order relative to the concerns of the company as a majority may determine.

SEC. 30. The corporation may by contract admit the intersection with the said road, with any other rail road, turnpike, or any other road or any collateral road.

SEC. 31. The state in time of war shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 32. Should the capital herein granted not be sufficient to accomplish the work intended, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

SEC. 33. That when the road is located it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state, and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land, on said changed route, the amount of damages that [they] may sustain by such re-location.

SEC. 34. That if said road after its completion shall be suffered to go into decay or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 35. The corporation shall in no case directly or indirectly engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the object contemplated by the act; nor shall said corporation under any pretence whatever, enter into banking business for the purpose of receiving deposits, making discounts, or issuing bills of credit or bills or receipts of any description to pass as a circulating medium.

SEC. 36. This charter is limited to fifty years in duration.

SEC. 37. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said railroad or any section thereof, with all the incidental expenses, and also a fair account of the tolls received; and the state shall have the right to purchase the stock of said company at any time after twenty five years, by paying to said corporation a sum of money which, together with the tolls received, shall equal the cost and expense of said rail road as aforesaid with an interest of fifteen per centum per annum; and the books of said corporation shall always be open for the inspection of any agent of the state appointed for that purpose by the Legislature, and

if said corporation shall neglect or refuse to exhibit at any time their books and accounts, agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 38. This act to be in force from and after its passage, and shall be taken to be a public act and shall be favorably construed for all beneficial purposes.

CHAPTER IX.

AN ACT to incorporate the Indianapolis and Montezuma Rail Road Company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That T. A. Howard, James Neshmith, and John G. Davis, of the county of Parke, and Alexander Farrow, Isaac Ash, and Daniel Harrow, of the county of Putnam, and Samuel A. Verbriek, Simon T. Hadley, and William L. Matlock, of the county of Hendricks, and Obediah Harris, Samuel K. Barlow, and William Sanders, of the county of Marion, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of "The president and directors of the Indianapolis and Montezuma rail road company," shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, necessary to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president, and after such organization, any three of the board shall be a quorum; but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be

entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ; which journal shall from time to time be read by the board, and if found correct, shall be signed by the President. They may sit on their own adjournments, or on the call of the President: when the President is absent they may appoint a President *pro tempore*. They may fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made:—

"We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportion, and at such time, as the President and directors of the Indianapolis and Montezuma rail road company may direct. Witness our hands this day of 1835."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and [at] such place or places as the corporation shall choose, and may be re opened at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, on such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may deem most advisable; but such requisition shall be made known by being inserted in the notice for opening the books; any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in one or more public newspapers published in this state; and in such notice to appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders and citizens of this state; which election shall be held within three months after the last share in the two hundred shall have been subscribed for, and be conducted by two judges, appointed by the stockholders present; and the person having a majority of all the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; and in all elections each share shall entitle the holder to one vote, and votes may be given by persons owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee, or guardian, or by the authorised agent of any corporation,

state, or of the United States; or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first, shall be held on the first Monday in October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; the same shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent, or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper printed nearest the place where the greatest portion of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within fifteen days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court having competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent after the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid or satisfied.

Sec. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such

penalties as they may deem proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents, shall have full power from time to time to examine, mark, survey, and locate a route for a rail road for a single or a double track, commencing at Montecuma on the front street and running between lots number 12 and 13, thence east so as to pass between lots number 148 and 149, or commencing at the western termination of the street running on the north side of the public square, thence to run east on said street as said directors or a majority of them may choose in the county of Parke, and running on the best ground for the interest of the company and convenience of the public, to Rockville in Parke county, thence to Greencastle in Putnam county, thence to Danville in Hendricks county, and thence to Indianapolis in Marion county, with full power in all cases to diverge from a direct line when more favorable ground can be had for the construction of the road; the same to be not more than eighty feet in width.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, or other materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and location of the road, as also the stone, gravel, and timber, and other materials, that may be obtained on said route, and may contract for stone, gravel and timber and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or other bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of said corporation, shall be binding and obligatory; and the corporation may have their action at law, in any court having competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

Sec. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where

such difficulty exists, that such facts do exist, and such justice shall thereupon summon the owner of said land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall be freeholders, who shall, after taking an oath faithfully and impartially to assess the damages, if any, and view the land or materials; and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and they shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party can show sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the Circuit Court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the Circuit Court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, or insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no persons shall attend on the day named in said notices, the said justice shall adjourn the same until that day two weeks, at which time he shall proceed as though such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs and damages awarded against them, the corporation shall be seized of the lands or materials; costs may be allowed or awarded against either party.

SEC. 18. That should it be found necessary or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any county or state road: *Provided however*, That before such location is made, the corporation shall make application to the county commissioners of the proper county, for such right, and said commissioners are hereby vested with power to grant the same by an order entered upon their records: *And provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy to [of] the same, but not to interfere with the right of way of any rail road company heretofore incorporated; and no person, body poli-

tic or corporate, shall in any way interfere with, molest, disturb or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road any time within three years, and from time to time construct so much, in all or either of the counties through which said road is to pass, towards the points of termination, as may be within the ability or to the interest of the company, and shall complete the same within twelve years from the commencement: *Provided*, That for good cause shown for its non-completion within that time, the Legislature may give further time for the purpose: *And provided further*, That so much of the subscription of stock to said corporation, as may be subscribed by the citizens of Parke county, shall be appropriated, under the direction of the directors of said county, to the construction of so much of the road as lies between Rockville and Montezuma, and after so much of the road as above mentioned, shall have been completed, the remaining funds shall be applied in such manner as may be agreed upon by a majority of the whole number of directors by this act appointed: *Provided further*, That the subscription of stock to said incorporation as may be subscribed by the citizens of the several counties through which said road passes, be applied on said road in their respective counties, where the commissioners of each county may deem most expedient, and until otherwise directed by said board by mutual consent: *Provided further*, That so much of said stock as may be subscribed in the county of Parke, be applied on that part of said road, which lies between Rockville and Montezuma.

SEC. 21. It shall be the duty of the corporation, whenever any state or county road now established, shall cross the rail road, to make and keep in repair good and sufficient cause-ways, so that the free use of said state or county road shall not be obstructed: and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any cause-way for a public road leading from one tract to the other, the owner of such land shall have the right, free from any charge, to cross the same, and to make such cause-ways as may be necessary for the convenience of such owner: *Provided*, That such owner of land, shall not injure or obstruct said rail road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property; and for this purpose, the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware houses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state of [for] travel, al-

though the whole is not finished; and they may charge for travel and transportation on the same, where it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Sec. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road or any part thereof, as shall be for the interest of the company, and the same to change, or raise at pleasure: *Provided*, That the rates established from time to time shall be posted in some conspicuous place or places on said road.

Sec. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freight, that not more than fifteen per cent. per annum on the capital shall be divided, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, may be paid over to the treasurer of state, for the use of common schools; but the corporation shall not be, by any laws, compelled to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made; and it shall be the duty of the corporation to furnish the legislature, at each session thereof, with a correct statement of the amount of expenditure, and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Sec. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday in March and September, annually, (unless the directors fix on a different day,) and paid to the several stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting expenses; and the corporation may reserve such proportion of the profits, as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

Sec. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road or any part thereof, or break, destroy or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons offending, shall pay to the corporation, three times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction; *Provided*, That all actions commenced by the corporation, for the recovery of damages shall be commenced within six months from the time such cause of action accrued and not after.

Sec. 27. That the state reserves the right to subscribe for one thousand shares of the stock, at any time within eight years from the commencement of the work.

Sec. 28. It shall be lawful for the county commissioners of each county through which said road may pass, for and on behalf of such

county; to authorise by an order, as much of the stock to be taken as they may think proper.

Sec. 29. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

Sec. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving three weeks' notice in one or more newspapers, and specifying in such notice the object of the call; and a majority of all the stockholders being represented, they may make such order relative to the concerns of the company, as a majority may determine.

Sec. 31. The corporation may, by contract, admit the intersection with said road, of any other rail road, turnpike, or other road, or any collateral road.

Sec. 32. The state in time of war shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

Sec. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than four.

Sec. 34. When the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

Sec. 35. That if said road after its completion, shall be suffered to go into decay, or be impassable for one year, unless where the same is repairing this charter shall be taken and considered as forfeited.

Sec. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under any pretence whatever, enter into banking business for the purpose of issuing bills of credit, or bills of any description to pass as a circulating medium.

Sec. 37. This charter is limited to seventy five years in duration.

Sec. 38. This act to be in force from and after its passage and it shall be taken to be a public act.

CHAPTER X.

AN ACT to amend "an act to incorporate the Switzerland county Seminary," approved February 1, 1834.

(APPROVED JANUARY 26, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That any citizen of the county of Switzerland shall be eligible to the office of Treasurer or Secretary of the Switzerland county seminary.

So much of the 9th section of the act to which this is an amendment as contravenes the provisions of this act is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XI.

AN ACT to amend an act entitled "an act for the incorporation of county Libraries," approved February 9, 1831.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the board doing county business in and for the county of Marion, at the May session of said board, 1835, to appoint nine trustees to take charge of the library concerns of said county, and shall give to each person so appointed a certificate of said appointment.*

SEC. 2. And it shall be the duty of said trustees upon receiving notice of their appointment, to meet at the court house in the town of Indianapolis, within ten days thereafter, and shall then and there, having previously taken an oath of office agreeably to the provisions of the act to which this is an amendment, and shall be governed thereby, except where their duty is otherwise provided by this act.

SEC. 3. The said trustees shall at their first meeting divide themselves by lot into three classes, and those of the first class shall serve for the term of three years from and after their appointment; those of the second class two years, and those of the third class but one year, and report the same to the board doing county business, who shall annually thereafter fill said vacancies.

SEC. 4. It shall be the duty of the present and former agent or agents of state for the town of Indianapolis, to pay over, upon the order of said board of trustees for the Marion county library, all money that may be in his or their hands, and due the county of Marion out of the proceeds of the sale of in-lots in the said town of Indianapolis,

a county library as aforesaid, has been paid into the state treasury, the Auditor of Public Accounts, upon being satisfied of the fact by personal examination of the reports of all the agents, shall audit a warrant, and the Treasurer of State shall pay the same, out of the Indianapolis fund, to the person authorised by the board of trustees to receive the same.

SEC. 6. The board of trustees aforesaid shall report their proceedings, and the situation of the funds of said library, annually, to the board doing county business, which report shall be filed in the clerk's office, for the inspection of any person having an interest therein.

SEC. 7. So much of the act to which this is an amendment as contravenes the provisions of this act, be and the same is hereby repealed as it respects Marion county.

This act to be in force from and after its passage.

CHAPTER XII.

AN ACT to amend an act entitled "an act to incorporate the Evansville and Lafayette Rail Road Company," approved December 24, 1833.

[APPROVED JANUARY 31, 1835.]

WHEREAS, it is represented to this General Assembly that at the first and only meeting of the board of directors of the company aforesaid, who met at Vincennes for the purpose of organizing, some time during the past year, and chose R. M. Evans president of said company, that there was not a quorum as is required by the above act; for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the meeting of the directors of the Evansville and Lafayette rail road company, being the first meeting for the purpose of organizing, and which was held at Vincennes in the year of our Lord 1834, and at which R. M. Evans was elected President, shall be valid at law, for all purposes for which it was convened, as if a quorum of directors of said company had been present; and hereafter any three directors instead of five, as is provided by the act to which this is an amendment, shall be sufficient to form a quorum.*

CHAPTER XIII.

AN ACT incorporating the Carlisle school society.

[APPROVED JANUARY 16, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William S. Cruft, William Curry, John W. Davis, Joseph W. Briggs, and Reuben Sulinger, and their associates, are hereby constituted a body corporate and politic, by the name of the Carlisle school society, and by that name shall have power to sue and be sued, plead and be impleaded, and to make, alter, and repeal any by-laws for their regulation or government; to make and use a common seal; to hold property, both real and personal; and to buy and sell, demise, dispose of, and hire the same at pleasure; and to do any and all other acts necessary for the advantage and benefit of school education; no such by-law made, or act done as aforesaid, being contrary to the constitution or laws of the United States, or contrary to the constitution and laws of this state.

SEC. 2. The officers of said society may consist of a President, treasurer, and five trustees, to be elected annually, on the first Monday of March, by the subscribers to said school, and shall serve as such until others are elected and qualified; and the persons named in this act shall serve as trustees for said society until the first annual election after the taking effect of this act, and until others are elected and qualified.

SEC. 3. The trustees and other officers of this society shall, before entering on the duties of their offices, respectively take an oath or affirmation for the faithful performance of their respective duties, before some person authorised to administer the same.

SEC. 4. This act may be amended, altered, or repealed by the General Assembly at any session hereafter, and shall take effect and be in force from and after its passage.

CHAPTER XIV.

AN ACT to amend an act entitled "an act to incorporate the town of Lawrenceburgh, approved February 10, 1831.

[APPROVED, JANUARY 26, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter it shall and may be lawful for the president and select council of the said town of Lawrenceburgh to appoint any person recorder, treasurer, or marshal, of the same, who is legally qualified to vote for corporation officers, and no property qualification

shall be required of said recorder, treasurer or marshal, any thing in the act to which this is an amendment to the contrary.

SEC. 2. That to enable the said president and select council to improve the streets alleys, wharfs and public property in said town, they shall have authority to levy and collect such amount of taxes or assessments upon the property within the same, as they shall deem just and necessary, any thing in the 10th section of the act to which this is an amendment to the contrary.

SEC. 3. That hereafter the president of said town shall, within the limits of the same and the additions thereto, have and possess all the powers, jurisdiction, and authority which justices of the peace, have and possess, under and by virtue of the laws of this state, and be entitled to demand and receive the same fees allowed to justices of the peace for similar services.

SEC. 4. That in like manner hereafter, the marshal of said town shall within the limits of the same and the additions thereto, have and possess all the power, authority and jurisdiction which constables have and possess, under and by virtue of the laws of this state, and shall be entitled to demand and receive the same fees as are allowed to constables for similar services.

SEC. 5. Before any such president or marshal, shall be authorised to act in the capacity aforesaid, they shall respectively, in like manner enter into bond with security to be approved of in like manner and take the like oath as are required of justices and constables, by the laws of this state.

SEC. 6. This act to take effect and be in force, from and after its passage and acceptance by the said president and select council, which assent shall be entered on the minutes of the corporation.

CHAPTER XV.

AN ACT incorporating the Richmond Education Society.

[APPROVED JANUARY 26, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Finley, Atticus Siddall, Daniel P. Wiggins, Daniel Reid, and Caleb Sharon and their associates are hereby constituted a body corporate and politic, by the name of the "Richmond Education Society," and by that name shall have power to sue and be sued, plead and be impleaded, and to make, alter and repeal any by laws for their regulation or government, to make and use a common seal; to hold property both real and personal, and to buy and sell, demise, dispose of, and hire the same at pleasure, and to do any and all other acts necessary for the advantage and benefit of school education, no such by laws made or act done as aforesaid being contrary to the consti-

tation or laws of the United States or contrary to the constitution and laws of this state.

Sec. 2. The officers of said society may consist of a president, treasurer, and five trustees, to be elected annually on the first Monday of May, by the subscribers to said school, and shall serve as such until others are elected and qualified, and the persons named in this act shall serve as trustees for said society until the first annual election after the taking effect of this act, and until others are elected and qualified.

Sec. 3. The trustees and other officers of this society shall, before entering on the duties of their offices, respectively take an oath or affirmation for the faithful performance of their respective duties before some person authorized to administer the same.

Sec. 4. This act may be amended, altered or repealed by the General Assembly at any session hereafter, and shall take effect from and after its publication in the "Richmond Palladium."

CHAPTER XVI.

AN ACT to incorporate the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company.

(APPROVED FEBRUARY 7, 1835.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Robinson, James H. Stewart, William McCrery, Thomas Dunlap, and Robert C. Gist, of the county of Carroll, and David Kirk, Perry Timmons, John Ross, and Benjamin Baker, of the county of Clinton, and George Spencer, Benjamin Reynolds, and Melchi Gray, of the county of White, and Jeremiah Bartholomew, Samuel Miller, Hiram Todd, of the county of Laporte, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Frankfort, Delphi, and Michigan rail road and turnpike company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice, whatsoever; and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Sec. 2. The capital stock of said corporation shall be five hundred thousand dollars, to be divided into shares of fifty dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization, any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for payment of such allowances as may be made to their officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the call of the president. When the president is absent, they may appoint a president *pro tempore*. They shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, and at such time and such place or places as they may choose; due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion, and at such time as the President and directors of the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company may direct. Witness our hands this _____ day of _____ 1835."

Sec. 6. It shall be lawful for all persons of lawful age, for the agents of any corporate body, for the agents of any state, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be re-opened at any time; and they may by an agent offer for sale in any other state any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power on their own credit to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper: but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as three hundred shares are subscribed, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof, in one or more newspapers, and in such notice appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders and citizens of this state, which election shall be held within three months after the time of paying the first instalment, and shall be conducted by two

judges appointed by the stockholders present; and the person having the plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election. In all elections, each share, the instalment on which shall have been paid when required, shall entitle the holder to one vote, and votes may be given by persons owning the same, or by any authorised agent.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified.

Sec. 9. All elections after the first shall be held on the third Monday in September, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if, from any cause whatever, there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held; it shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by an executor, administrator, trustee or guardian; but such stock shall at all times be held by the corporation for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, (not exceeding twenty-five per cent. of the amount of stock every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and the same shall be thereby absolutely forfeited to the corporation; and no such delinquent, be-

fore the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance with such penalties as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents shall have full power from time to time, to examine, survey, mark, and locate the route for a rail road for a single or double track or for a M^d Adamized turnpike road, commencing at Nathan Kirk's on the Michigan road, in the county of Clinton, and running on the nearest and best ground for the interest of the company and the convenience of the public, by Frankfort in the county of Clinton, Delphi in the county of Carroll, and Monticello in the county of White, to Michigan city in the county of Laporte, with full power in all cases to diverge from a direct line where more favorable ground can be had for the construction of the road; the same to be not more than one hundred feet in width.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials for the construction of said road; but no stone, wood, or gravel, or other materials shall be taken away from any land without the consent of the owner thereof until the rate of compensation shall be ascertained and paid.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, or other materials that may be obtained on said route, or any land adjacent thereto; and it shall be lawful for said corporation to receive by donation, gifts, or bequests, land, money, labour, property, or materials for the benefit of said corporation; and all such contracts, relinquishments, donations, or grants, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law in any court of competent jurisdiction to compel the observance of the same.

Sec. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested freeholders of the neighborhood, who shall, after

taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much; and shall file such report with such justice: whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person should attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered and the corporation complying therewith, by payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party at the discretion of the justice.

SEC. 18. That if it should be found necessary or advantageous to the location and construction of said road, the corporation shall have right to lay the same along and upon any state or county road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners of the proper county for such right, and the said commissioners are hereby vested with power to grant the same by an order entered on their records; *And provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair for common use as previous to such occupation.

SEC. 19. That when said corporation shall have procured said right of way as herein before provided, they shall be seized in fee simple of the right of said land, and shall have the sole use and occupancy of the same; and no person, body politic or corporate, shall in any way interfere with, molest, disturb or injure, any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road at any time within four years, and from time to time construct so much towards the point of destination as may be within the ability

and to the interest of the company, and shall complete [it] within sixteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly [may] for good cause shown give further time to complete the same.

SEC. 21. The said corporation may, at any time before the commencement of the road, determine whether they will construct a rail road or a M'Adamized turnpike road, and if they construct a rail road, it shall be the duty of said corporation whenever any state or county road now established shall cross, or may hereafter cross said rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeways for a public road leading from one tract to the other, the owner of such land shall have the right free of any charge to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner of land shall not injure or obstruct said road; and it shall be lawful for said corporation to place on and prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandise or any other kind of property, and for this purpose the corporation may construct said rail road with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights, on such part of the road as may be in a sufficient state for travel although the whole may not be finished, and they may charge for travel and transportation on the same, when it is graded and bridged although the rails may not be so far laid as to admit carriages thereon.

SEC. 22. If the corporation determine to construct a M'Adamized turnpike road on said route, they shall cause at least twenty feet of the centre of said [road] to be made an artificial road compound of stone, gravel, or other suitable materials, well compacted together, after the M'Adam plan, so called, in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be more than five degrees. So soon as the said corporation shall have completed the said road as aforesaid, or any section thereof, or ten miles of any section, and so on, from time to time, as often as ten continuous miles of said turnpike road shall be completed, an agent shall be appointed by the Governor, if not otherwise ordered by the legislature, who shall, on application of the corporation, examine the same and report his opinion in writing to the corporation, and if such shall state the road, or any ten continuous miles of the same, to be completed according to the provisions of this act, the corporation may then erect a gate or gates

at suitable distances apart, not less than ten miles, and demand and receive of persons traveling said road the tolls allowed by this act; and if any person or persons using said turnpike road shall, with intent to defraud said company, or evade the payment of tolls, pass through any gate or bars or along any other ground near to any turnpike gate which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of toll, or if any person take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered with the costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises between the gates for common and ordinary business: *And provided*, That all persons going to and returning from public worship, and all militia-men going to and returning from musters, and all funeral processions shall pass said road free of toll.

Sec. 23. The corporation may charge and receive such tolls and freights for transportation of persons, commodities and carriages or for the passing of persons, commodities, carriages and animals on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, That the rates established from time to time shall be posted up in some commissioners [conspicuous] place on said road, at each and every gate or toll houses where toll is demanded: *And provided*, That not more than twenty per centum per annum on the capital invested shall be divided; and the surplus profits, if any, after paying the expenses and making the necessary repairs on said road, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; and it shall be the duty of the corporation to furnish the legislature, at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses, which statement shall be made under oath of the officer whose duty it shall be to make the same.

Sec. 24. Half-yearly dividends of so much of the profits as the corporation may deem expedient shall make [be made] on the first Mondays in July and January annually, unless the directors fix on a different day, and paid to the several stockholders as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits after deducting all expenses.

Sec. 25. That if any person or persons shall wilfully and knowingly injure or obstruct said road or any part thereof, or shall break, destroy or deface any work, edifice, device, toll or warehouse belonging thereto such person or persons so offending shall pay to the corporation three times the amount of the damages actually done, with costs of suit, to be recovered by the corporation, before any court having com-

petent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages, and all actions commenced against such corporation for the recovery of damages shall be commenced within six months from the time such cause of actions accrued and not after.

Sec. 26. It shall be lawful for the county commissioners of each and every county through which such road may pass, for and on behalf of such county, to authorise by an order as much of the stock to be taken, as they may think proper.

Sec. 27. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election or at any general meeting of the stockholders.

Sec. 28. Any number of the stockholders owning one third of the stock may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in such notice the object of the call; and, a majority of the stock being represented, they may make such order relative to the concerns of the company as a majority may determine.

Sec. 29. The corporation may by contract admit the intersection with said road, with any other rail, turnpike, or any other road or any collateral road.

Sec. 30. The state in time of war shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

Sec. 31. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than seven.

Sec. 32. That when the road is located it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state, and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of land, on said changed route, the amount of damages they may sustain by such re-location.

Sec. 33. That if said road after its completion shall be suffered to go into decay or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

Sec. 34. The corporation shall in no case either directly or indirectly engage in any kind of trade, or deal in any kind of merchandise, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under any pretence whatever, enter into banking business for the purpose of issuing bills of any description, to pass as a circulating medium.

Sec. 35. This act to be in force from and after its passage, and shall be taken to be a public act.

CHAPTER XVII.

AN ACT to incorporate the Greencastle Steam Mill and Manufacturing Company.

[APPROVED JANUARY 17, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of building and managing a steam mill for grinding grain and driving such other machinery as may be attached to said mill, and carrying on the business incident thereto in the town of Greencastle, Putnam county, James Talbott, John Standeford, John Thornburgh, Isaac Ash, Alexander C. Stevenson, James Duffield, A. B. Lyon, William Lee, and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the "Greencastle steam mill and manufacturing company," and in such corporate name and capacity may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of competent jurisdiction in this state.

SEC. 2. The process against said corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may alter and change the same at pleasure; and shall be capable of purchasing, holding, using and conveying any estate real or personal, necessary for the use and security of said corporation.

SEC. 4. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty five dollars each; but, it shall be lawful for the said corporation to commence their said business when and so soon as two thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital to the amount hereinbefore mentioned.

SEC. 5. The subscription of stock to the said corporation shall be opened under the direction of the persons named in the first section of this act, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, at Greencastle as they shall appoint, which subscriptions shall be paid at such time, and in such manner as the board of directors, shall order and direct.

SEC. 6. The stock, property and concerns of the said corporation shall be managed and conducted by five directors who shall be stockholders and residents of Putnam county, one of whom to be president, who may respectively hold their offices for one year, and until their successors are chosen and qualified: *Provided,* The directors first chosen shall hold their offices until the first Monday of May 1836, and until others shall be elected in their stead.

SEC. 7. So soon as the sum of two thousand dollars have been subscribed, the commissioners appointed by the fifth section of this act, shall give notice by written advertisement or publication in a newspaper for an election of directors at such place and on such day in the town of Greencastle, as a majority of them shall direct; which notice shall be at least ten days previous to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the first Monday of May, after the term of service of the directors first chosen shall have expired, at such place in the town of Greencastle, as a majority of the directors for the time being, may prescribe; of which elections prior notice shall be given at least fifteen days by written advertisements or publication in a newspaper published in Greencastle.

SEC. 9. The first election herein contemplated shall be held under the inspection of said commissioners, and all subsequent elections under the inspection of the directors for the time being.

SEC. 10. The said directors shall be chosen by ballot by a majority of the votes given either by the stockholders present or by written proxy from those not present; and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election. The said directors chosen under the provisions of this act, shall as soon as may be after their election, proceed to elect one of their number president, and if any vacancy shall happen at any time among the directors, by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 11. In case it shall happen at any time that an election of directors shall not be made on any day when in pursuance of this act it ought to have been made, it shall be lawful to hold such election on any other day in such manner as may be regulated by the by-laws of such corporation.

SEC. 12. A majority of the directors shall form a board or quorum for the transacting of all the business of the said corporation, and shall have power to prescribe and make such by laws and regulations not repugnant to the laws and constitution of the United States or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, property, effects, &c. of said corporation; and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem just.

SEC. 13. The stock of said corporation shall be assignable and transferrable, according to such rules and regulations as the board of directors may make and establish, and be considered personal property: *Provided,* That no transfer of stock shall be valid until registered in a book to be kept for that purpose by the president or such other officer as may be appointed by the board of directors; which book shall at all reasonable hours of transacting business be open to the examination of any stockholder or person having any de-

mand against the corporation or any member of it; and in case any officer of the company having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of one hundred dollars, one moiety thereof to the Greencastle seminary and the other moiety to the person who shall sue for the same by action of debt in any court of record together with costs of suit.

Sec. 14. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts in which shall be entered all the transactions of said corporation, which books shall at all times, be open to the inspection of the stockholders of said company: and the said stockholders shall each be held responsible to all creditors in his individual capacity in proportion to the amount of his stock by suit in equity or otherwise, on a failure of a sufficiency of property belonging to said corporation, and provided that said corporation shall at no time be indebted to a greater amount than double the stock sold and held.

Sec. 15. The directors shall have power to receive, and by a due course of law, to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per cent. damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board: or the board may in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share forfeited to the use of the company: *Provided*, That notice of requisition, shall be given by said directors, by written advertisements posted up at five of the most public places in said county, and also by publishing such notice in a newspaper, if there be one published in said county, at least twenty days before such instalment may be payable, specifying the amount thereof, and when due.

Sec. 16. The corporation hereby created shall not engage in any banking business whatever.

Sec. 17. This charter is hereby limited to the term of forty years from and after the first day of March, one thousand eight hundred and thirty five.

Sec. 18. This act shall be, and the same is hereby declared a public act, and shall take effect and be in force from and after its publication in the "Ploughboy," a newspaper published in the town of Greencastle.

CHAPTER XVIII.

AN ACT to amend an act entitled an act to incorporate the town of Lafayette.

[APPROVED JANUARY 31, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage and taking effect of this act, an appeal may be taken from the decision of the President of the town of Lafayette to the circuit court of Tippecanoe county, under the same provisions, and to be certified up to said circuit court in the same manner as appeals are taken from the judgments of justices of the peace.

Sec. 2. This act to take effect and be in force from and after its publication in the "Lafayette Free Press" and "Wabash Mercury."

CHAPTER XIX.

AN ACT to incorporate the Vincennes Medical Society for the promotion and diffusion of correct medical knowledge.

[APPROVED JANUARY 8, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, all those persons who are or shall hereafter become members of the Vincennes medical society in the town of Vincennes, county of Knox and state of Indiana, be, and they are hereby made a body corporate and politic by the name and style of the Vincennes medical society for the promotion and diffusion of correct medical knowledge, and shall so continue until the 4th day of December, 1854, and by that name shall have perpetual succession, and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, and in any other place whatsoever; and they may use a common seal, and shall have power to ordain, establish, and put in execution such by laws, ordinances, and regulations as shall be necessary and convenient for the government of such corporation, not being contrary to the constitution and laws of the United States or of the state of Indiana.

Sec. 2. Said society may require of persons admitted as members such admission fees and annual contribution as a majority may enact, recoverable on motion with ten days' notice before either of the courts of law held in any county or incorporation whereof the member failing or refusing to pay shall be an inhabitant.

Sec. 3. The said society may hold such buildings as may be required for their immediate personal accommodation as a society, lecturing and dissecting rooms, and other appurtenances necessary or

convenient for the promotion of medical knowledge; and also, other real property whereof the clear annual revenue shall not exceed five hundred dollars.

Sec. 4. The officers of this society shall consist of a president, vice president, secretary, and treasurer; the president shall preside at all meetings of the society and preserve order and decorum therein. He must see that the constitution and by-laws are properly observed by the members, and that the officers discharge their duties faithfully. It shall be his duty to sign all orders drawn upon the treasurer, and also to call special meetings whensoever requested to do so by two members.

Sec. 5. The vice president shall preside at all meetings and perform the duties of the president when that officer is absent.

Sec. 6. The secretary shall keep a fair and correct record of the proceedings of the society; have all times prepared a full roll of the members, with each of whom he shall keep a separate and correct account in a book kept for that purpose; he shall collect all moneys due to the society and pay the same immediately over to the treasurer; and in case of the absence of the treasurer, to the presiding officer, taking his receipt therefor. He must countersign the president's drafts on the treasurer; issue notices whensoever required by the proper authority; take care of all the books and papers, and report to the society every four months all delinquent members, with the amount due by each. It shall be his duty to deliver to the society all the proceedings, books, and other papers in his possession whensoever called upon for the same.

Sec. 7. The treasurer shall receive and be held responsible for all moneys paid over to him for the use of the society, and shall keep a correct account of all sums received and expended by him. All orders signed by the president and countersigned [by] the secretary, must be paid by him and none others but him; he must submit his books and papers to the inspection of the society whensoever required; and also pay over whensoever called on all moneys and other property he may have in his possession belonging to it.

Sec. 8. Members shall comply with all the provisions and requisitions of this constitution, and the several by-laws that may hereafter be adopted, to entitle them to the benefits of this society. They shall have the privilege of resigning, provided their dues are paid up, by giving one month's notice to the society.

Sec. 9. The funds of this society shall, in no wise, be disposed of except for discharging the necessary expenses of the society. Three months' notice shall be given of any intention to submit a proposition to divide the funds among the members after the expiration of the charter, but no division shall take place at any time while three resident members are opposed to it. If any division of the funds should take place at any time, said division shall be made to each member in proportion to the length of time he has belonged to the society.

Sec. 10. Members who fail to comply with the provisions of this

constitution, or who may neglect to perform any of the duties assigned them, provided they accept of the offices tendered to them, may be fined as follows, to wit: an officer not more than two dollars nor less than fifty cents; and a member not more than one dollar nor less than twenty-five cents; for the payment of which the said members shall be equally bound as for the payment of admission fees and annual contributions. Any member who may be guilty of any practice whereby the society may be injured, may be suspended or expelled, two thirds of the members voting for his suspension or expulsion.

Sec. 11. *And be it further enacted*, That the General Assembly of the state of Indiana shall at all times have the power to alter, amend, or annul this act of incorporation when in their judgment the public interests may require it.

CHAPTER XX.

AN ACT to incorporate the St. Joseph Iron Company.

[APPROVED JANUARY 22, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alanson M. Hurd, of the county of St. Joseph, John J. Deming and John H. Orr, and their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the President, Directors and Company of the St. Joseph iron works, for the purpose of manufacturing iron, and they and their successors shall continue as such corporation for the term of fifty years, from and after the first day of March next, and by the name and style of the President, Directors and Company of the St. Joseph iron works, are hereby made capable to contract and be contracted with, to sue and be sued, to plead and be impleaded in any court of justice within this state, or elsewhere, the same as a natural person, and shall be so recognized in law and equity.

Sec. 2. The said corporation shall have a common seal, by which all their acts shall be authenticated, and they may change or alter the same at pleasure, and they shall be capable of purchasing, holding, using, and conveying any estate, real, or personal, necessary for the use and security of said corporation.

Sec. 3. The stock, property, and concerns of the said corporation shall be managed and conducted by three directors, who shall be stockholders, and residents of the county of St. Joseph, one of whom shall be president, who may respectively hold their offices for one year, and until others shall be chosen. The said board of directors shall have power to ordain and establish such by-laws and regulations as they shall deem necessary to promote the objects of the corpora-

tion, not inconsistent with the laws and constitution of the state of Indiana.

Sec. 4. The capital stock of said corporation shall be sixty thousand dollars, and shall be divided into shares of one thousand dollars each, and each stockholder in voting for directors, shall have one vote for each share of stock he may hold in said corporation; and all the stock of said corporation shall be considered as personal property, and may be sold on execution, and transferred on the books of the corporation, by the officer selling the same; and any person in whose custody the books of said corporation may be deposited, who shall refuse to exhibit the books of said corporation to any officer charged with the service of any writ of execution which may issue from any judicial tribunal within this state, and such person or persons so refusing to exhibit said books, shall be fined by presentment or indictment in any sum not less than fifty dollars, and not exceeding the sum of five hundred dollars, and such person shall be moreover liable in a civil action to the party injured.

Sec. 5. The subscriptions to said stock shall be opened under the direction of Alanson M. Hurd, who is hereby appointed a commissioner for that purpose, and authorised to receive subscriptions to the capital stock on such days and at such places, after the passage of this act, as he may appoint; and the individual and private property, both real and personal, of each stockholder, shall be subject and liable to execution, for all contracts, debts and liabilities, made or entered into by said corporation at any time during which any and every such person or persons may have held stock in said corporation: *Provided*, That all the property of said corporation shall be first exhausted before the private property of the individual stockholder shall be liable.

Sec. 6. That the said corporation shall be, and they are hereby authorised to erect a dam across the river St. Joseph, at the head of the Mishawaka rapids, in the township of Penn, and county of St. Joseph: *Provided*, That said dam shall not exceed two feet six inches in perpendicular elevation, and that it be at least thirty five feet in width, and planked on both sides, in such manner as not to impede the downward passage of rafts, nor the passage of fish: *Provided, also*, That said company shall erect and keep in constant repair, one lock, for the passage of steam boats and other water crafts used on said river; said lock to be not less than one hundred feet in length and not less than twenty feet in width in the clear: *Provided, also*, That said corporation shall cause said lock to be tended by a competent number of hands, to fill and empty the same, as may be required for the passage of any boat, raft, or craft.

Sec. 7. That if two or more boats or other craft arrive at the lock near each other, the first one arriving at the lock shall take precedence, and if one or more be descending, and arrive at the same time at the lock, the first ascending boat or craft shall pass first, and then the first descending boat or craft, and so alternately, until all have passed.

Sec. 8. That said corporation are hereby authorised to receive from every owner or owners of any boat or other craft, (except such as are unladen,) ascending the river, above the admeasurement of one ton, a toll not exceeding one dollar; and for every boat, raft, or craft, descending the river, the said corporation shall be authorised to receive a toll of not exceeding the sum of fifty cents, (unladen boats in all cases excepted.) The said company shall cause every boat or other water craft, not exceeding one ton in admeasurement, to have a free passage through said lock without charge, and all boats or crafts transporting the troops of the United States, or of the United States military store, shall have a free passage through said lock, without charge; any and all boats and other water craft, shall be allowed to pass through said lock free of toll, at any time when such boat or boats or other water craft could pass safely through said rapids, if said dam and lock were not so constructed.

Sec. 9. That if said company shall refuse or neglect to give passage to any person or persons wishing to pass any boat raft or craft, through said lock or over said rapids, the said corporation shall be fined in any sum not exceeding three dollars, for the use of the county seminary, for every hour that any boat, raft, or craft may be unnecessarily delayed, to be recovered before a justice of the peace, and the said corporation shall be moreover liable to pay treble damages to every and all persons injured by any such unnecessary delay; and if the said corporation shall suffer the said lock to be impassable for boats or other craft for the space of sixty days at any one time, it shall operate as a forfeiture of their charter; and any person aggrieved thereby may sue out of the St. Joseph Circuit Court a *scire facias*, which shall be executed on any member of the corporation, at least ten days before the commencement of the term of said court, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court upon the return of said *scire facias*, to examine into the truth of the alleged violation, and if such violation be made appear, then said court shall pronounce and adjudge that the said charter is forfeited and annulled; and every issue of fact which shall arise in such proceedings, shall be tried by a jury.

Sec. 10. If any person or persons shall pass any boat or other craft subject to toll, through said lock, without paying or tendering said toll, (if there be any authorised person present to receive it,) he, she, or they shall forfeit and pay treble the amount of toll which he, she, or they were liable to pay for passing through said lock, recoverable with costs of suit before any competent tribunal. And if any person or persons, shall wilfully, mischievously, or knowingly, do any injury to the said dam or lock, or any of the necessary appendages thereto, any person or persons so offending, shall forfeit and pay to said company treble the amount of damages thereby sustained; which may be recovered with costs of suit before any competent tribunal; and such person or persons shall moreover be liable to pay a

fine of not less than five, and not to exceed five hundred dollars, which may be recoverable by presentment or indictment.

Sec. 11. The state of Indiana reserves to herself the right of taking under her own control, at any time, the aforesaid rights, so far as the lock and its necessary appendages, and the passage of boats and other craft are concerned: *Provided*, The said state of Indiana shall refund to said company the amount they may have expended on said lock and its necessary appendages.

Sec. 12. Should the United States at any time hereafter wish to purchase the said lock with its appurtenances and privileges, for the purpose of making the same free of toll, they shall have the privilege of doing so, on paying to said corporation the cost of said lock and appurtenances, without interest.

CHAPTER XXI.

AN ACT to incorporate the Dearborn county Seminary.

(APPROVED JANUARY 22, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse L. Holman, Davis Weaver, Stephen Wood, of Laughery township, Benjamin Walker, Robert Gilaspys, of Union township, Jeremiah Brower, Ezra Ferris, of Lawrenceburgh township, Bazil James, N. L. Squibb, of Randolph township, Johnson Watts, of Caesar Creek township, Luther Plummer, John B. Clark, of Mauchester township, Thomas Brackenridge, of Logan township, Isaac Caldwell, of Kelso township, Thomas Palmer, of Miller township, and John Hues, Esq. of Jackson township, and their successors in office, be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of "the Dearborn county Seminary;" and by that name they shall have perpetual succession. This body corporate or board of trustees shall have power to appoint a president, professors, and tutors, as the necessity of the institution may demand; also to contract and be contracted with; to acquire, hold, enjoy, and transfer all property real or personal, in their corporate capacity; to make and use a common seal, and the same to alter at pleasure; to sue and be sued, plead and be impleaded in any court of law or equity; to receive and accept of any gift, grant, or donation, bequest, or conveyance by any person, company, or corporation, of any property real or personal, and to hold and enjoy and dispose of the same, as they may deem best for the interest of the institution; to make, ordain, establish, and execute such by-laws, rules, and ordinances as they may deem proper, not inconsistent with the constitution and laws of the United States or of this state.

Sec. 2. The board shall never consist of more than seventeen

members, of whom five when regularly convened shall constitute a quorum for the transaction of business.

Sec. 3. To promote the health of the students and diminish the expense of their education, the board may, at any time they deem proper, introduce the manual labor system or any other useful improvement in education: *Provided*, That it shall be at the option of any student, his or their parents or guardians, to comply with the provisions made or contemplated by this section, so far as it relates to manual labor.

Sec. 4. Said corporation shall never hold more than one thousand dollars worth of real estate, exclusive of the present seminary lot and buildings, for any greater length of time than will be necessary to sell the same at a fair price.

Sec. 5. Whenever the time shall arrive that there are more scholars than can be taught in said seminary, the trustees shall fix some equitable rule for ascertaining by lot what particular scholars of those that apply shall be preferred in each township, to the male departments of the institution, and also to the female departments of the institution; so that each township that can furnish its quota, shall have an equal proportion of scholars in the institution.

Sec. 6. Said trustees shall meet at the seminary at the town of Wilmington, or at some convenient place in said town, on the third Monday of April next, or so soon thereafter as a majority may agree, and elect a president from their own body, and a secretary and treasurer, either from their own body or the citizens of Dearborn county, to continue in office during the pleasure of the trustees.

Sec. 7. It shall be the duty of the treasurer thus elected, before he enters upon the duties of his office, to execute a bond with security approved by the trustees, payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and for the payment to the order of the trustees of all moneys that may come into his hands as treasurer; and shall also take an oath before some justice of the peace for the faithful discharge of the duties of his office.

Sec. 8. The trustees shall keep a record of all their proceedings in a book to be kept for that purpose, which shall be signed by the president, and in his absence by the president *pro tem.*, and attested by the secretary, and no money shall be paid but on the order of the trustees entered of record, a certificate of which, signed by the secretary, shall be authority for the treasurer to pay the amount expressed in any such order to the person named therein, or to his assignee.

Sec. 9. So soon as it shall be practicable, said trustees shall prepare a female department, in which female scholars shall be taught, upon such regulations as may insure valuable instruction.

Sec. 10. No scholar shall be admitted into said seminary that has not previously been learned to read and write.

Sec. 11. The trustees may procure a library and any philosophical or other literary apparatus for the use of said seminary.

SEC. 12. The trustees shall appoint a president and secretary *pro tem*, whenever it shall be necessary.

SEC. 13. No meeting of said board shall be lawful unless in conformity to an established recorded rule, unless each trustee have ten days' written notice of such intended meeting signed by the president or secretary.

SEC. 14. Said trustees shall have the right to demand and receive from the treasurer of state, the proportion of all moneys that may be due to the county seminary of Dearborn county.

SEC. 15. The office of trustee of the county seminary for the county of Dearborn is hereby abolished.

SEC. 16. It shall be the duty of the treasurer to ask for, demand, and receive any and all moneys from the former trustee of the county seminary, and from all officers or other persons who may have any money belonging to said county seminary, and his receipt shall be a sufficient voucher.

SEC. 17. It shall be the duty of the county commissioners of the county of Dearborn from time to time to fill all vacancies that may occur in the board of trustees; and also they shall annually at their spring session appoint seventeen trustees, who shall hold their offices for one year; and until their successors are appointed and qualified: *Provided*, Nothing herein contained shall be so construed as to prevent the re-appointment of any trustee.

SEC. 18. No preference shall be ever given to any religious denomination in the selection of trustees, teachers, tutors, professors, or students.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER XXII.

AN ACT to incorporate the Washington county Trading and Manufacturing Company.

[APPROVED JANUARY 24, 1835.]

WHEREAS, on the eighteenth day of March, eighteen hundred and thirty four, at Salem, in the county of Washington and state of Indiana, a company was formed in pursuance of the statute of the state of Indiana, entitled "an act relative to limited partnerships" approved January 23, 1823, called the Washington county, trading and manufacturing company, for the purpose of erecting a steam mill in the town of Salem, in said county and manufacturing flour; and generally to carry on the business of manufacturing and trading to the extent that might be considered for the interest of the company, Therefore for the better conducting of the business as aforesaid,

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That John E. Clark, Micah Newley, Stephen Hole, Henry Young, Samuel Peck, John Kingsbury, William Lindley, Burr Bradley, William Phelps, Nathan Maudlin, Isaac Thomas, and William H. Carter, together with all other persons who are or who may become stockholders pursuant to this act shall be and they are hereby constituted and declared a body corporate to all intents and purposes, by the name and style of the "Washington county trading and manufacturing company," by which name they and their successors and assigns, shall have continual succession and be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court of competent jurisdiction; to make and use a common seal, and the same to alter, change, or renew at pleasure; and they and their successors, as a body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property whatsoever, real or personal, which now belongs to, or which may be hereafter purchased by said company, for the purpose of prosecuting the business as recited in the foregoing preamble; and the said corporation shall exist for fifty years from the first day of April, eighteen hundred and thirty four: *Provided*, That at any time after the expiration of ten years from the first of April, eighteen hundred and thirty four any shareholder may withdraw from said company an receive his rateable portion of stock and funds in said company.

SEC. 2. The capital stock of said corporation shall not be less than ten nor more than one hundred thousand dollars, in shares of one hundred dollars each.

SEC. 3. The said John E. Clark, Micah Newby, Stephen Hole, Henry Young, Samuel Peck, John Kingsbury, William Lindley, Burr Bradley, William Phelps, Nathan Maudlin, Isaac Thomas, and William H. Carter shall act as directors of said corporation until the first Monday in April, eighteen hundred and thirty five, and until others are elected.

SEC. 4. Seven directors shall be chosen annually by the shareholders: the first election to be held on the first Monday in April in each year, and shall hold their offices for one year, and until others are elected under such rules and regulations as the directors from time to time may order and direct: *Provided*, That any vacancy by death, resignation or otherwise may be filled by the directors until the next annual meeting.

SEC. 5. The stock of said corporation shall be considered as personal property and shall be assignable agreeably to such rules and regulations as the board of directors may make and prescribe: *Provided*, That no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company nor until all or any claims which said company may have against said stock holder, shall be relinquished.

SEC. 6. That the stockholders of said corporation shall duly be

held responsible in their individual capacity for the amount of their respective subscriptions to said stock: *Provided*, That if said company should at any time fail or become insolvent, and its property should not be sufficient to liquidate all just, and legal debts, dues and demands, and that said directors shall have been found guilty of violating any part of the letter and spirit of this charter, or should any agent be found transcending the orders of said directors, in either case such directors or agents shall become liable to the full amount of such failure or insolvency, otherwise their respective liabilities shall be on an equal footing with other stockholders.

SEC. 7. A majority of the directors shall form a quorum capable of transacting the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said corporation not inconsistent with this charter, the laws and constitution of this state, and of the United States; and they shall have full power and authority to put into operation all the designs contemplated by this act.

SEC. 8. The directors shall have power at any time to receive and by due course of law, coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax or damage which they may assess for delinquency or refusal by a subscriber or subscribers to pay his or their respective instalment or instalments, according to the terms of subscription: *Provided*, such tax shall not exceed twelve and a half per cent. on the amount of stock subscribed by said delinquent.

SEC. 9. The directors shall at all times keep or cause to be kept at some suitable place, proper books of accounts in which shall be registered all the transactions of said corporation, and said books during all business hours shall be subject to the inspection of the stockholders of said company.

SEC. 10. The corporation shall not enter into any banking business for the purpose of issuing bills of credit or bills of any description to pass as a circulating medium.

SEC. 11. The stockholders in said corporation shall be respectively liable for any debts due by or damages accruing against, the said corporation during the time they are such stockholders respectively, in proportion to the amount of their stock respectively held, to be recovered by a suit in equity or otherwise: *Provided*, That before such liability shall attach as aforesaid, there shall be a return of *nulla bona* on an execution against said corporation or an equivalent proceeding.

This act shall be and the same is hereby declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after a certified copy thereof shall have been deposited in the clerks office of Washington county.

CHAPTER XXIII.

AN ACT to incorporate the Mishawaka bridge company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That N. M. Wells, A. M. Hurd, John J. Deming, J. H. Orr, and O. Hurd, with their associates, be, and are hereby constituted a body corporate and politic, by the name and style of the Mishawaka bridge company, for the purpose of constructing a bridge across the St. Joseph river at the Mishawaka rapids, in the township of Penn, in the county of St. Joseph; and they and their successors shall continue in office, and have perpetual succession, for the term of twenty years from the time of the passage of this act, and by that name and style, are hereby made capable in law to contract and be contracted with, to sue and be sued, to plead and be impleaded, as a natural person, in this state or elsewhere, and shall be so recognized in courts of law and equity, and to have and use a common seal, and to change and alter the same at pleasure. They shall also, in their corporate capacity, and for the use of said corporation, have power to purchase and hold a sufficiency of real estate, for the full enjoyment of all the privileges herein and hereby granted, and also the power to ordain and establish such by-laws, ordinances, and regulations as shall be deemed necessary for the furtherance of the objects of this corporation, and not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall consist of three thousand dollars, to consist of shares of fifty dollars each, to be subscribed for or sold in the manner herein and hereafter mentioned: *Provided*, The amount above stated should be found insufficient to complete the said bridge, the said corporation are authorised to increase their capital stock to a sum which shall be sufficient to accomplish that purpose.

SEC. 3. That at any time after the passage of this act, the beforenamed persons shall meet at the village of Mishawaka in the township of Peen, in said county, or a majority of them, and elect a president out of their body, and a secretary who may or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and make such arrangement for opening books for the subscription of stock as the board may direct, which books shall be opened at such times and places, and under such regulations for the payment of stock as the said corporation may deem for the best interest of all concerned.

SEC. 4. That when the whole number of shares hereby authorised have been subscribed, it shall be the duty of the secretary of said board, or of the president, in case of the absence of the secretary, to give notice in a newspaper published at the county seat of St. Joseph county, or by individual notice in writing to each and every stock-

holder, and shall, in said notice, fix a time and place for the meeting of the stockholders in said corporation, for the purpose of electing five directors of said company, who shall be elected out of the stockholders by the stockholders, and shall be called the board of directors of the Mishawaka bridge company, and said election shall be conducted in the manner prescribed, by the persons herein first named; and each stockholder shall have one vote for each share which he may have under three, and one additional vote for every two shares which he may have; *Provided*, His whole number of votes shall not exceed six, to be given personally or by proxy, in such manner as the by-laws shall direct, and that when the five directors shall have been chosen, they shall proceed to elect, by ballot, a president from their number, and in the same manner to elect a secretary, who may be a stockholder, but not one of the directors, whose duty it shall be to record the proceedings of the board; and the directors so elected shall continue in office for the term of one year from the time of their election, and a majority of them shall constitute a board competent to transact the business of the corporation, and shall have full power to establish rules and by-laws for said company, and to establish such rules for the government of themselves, in their corporate capacity, as they may deem meet.

Sec. 5. That when the said board of directors shall be organized, the concerns of the corporation shall be under their control and direction, and the president and two directors shall constitute a quorum competent to do business, or, in absence of the president any three of the directors, one of whom shall act as president *pro tempore*; and the president and directors, after they shall have been organized as aforesaid, shall make such requisitions upon the stockholders as they may deem necessary, and provide such forfeitures, not exceeding the stock paid in, for the non-payment of the stock, or instalments thereon, as they may think conducive to the interest of said corporation, or may maintain an action of debt, in the name of the directors of the Mishawaka bridge company, without using the individual names of the directors, for any balance or instalments upon stock that may be in arrears under the orders, rules, and regulations of said board, and may sell any forfeited shares of stock, upon such terms as they may deem most for the advantage of the corporation; and shall moreover have power and authority to appoint such other officers and provide such rules for their government as they may think necessary.

Sec. 6. That if any vacancy occur in the board of directors, it shall be filled by the residue of the board, at their next meeting after such vacancy occurs.

Sec. 7. That when said bridge is completed, at least twenty feet in width, with good and substantial railing on each side, the president and directors shall have a right to fix rates of toll, for collecting the same from all persons passing thereon, with their goods, carriages, or animals of every kind and description: *Provided*, The rates of toll shall not exceed the following: for each four wheel carriage drawn by two horses, oxen, or any other animals, twenty-five cents, and for each ad-

ditional horse, ox, or any animal used for draught, attached to such carriage or carriages, six and one-fourth cents; for one horse, attached to a four or two wheeled carriage, and driver, eighteen and three-fourth cents; for man and horse, twelve and a half cents; for foot passengers, six cents; for each head of neat cattle or horses, two cents; for each head of hogs or sheep, one cent; and the directors shall, from time to time, reduce the rates of toll, so that the nett profits of said company shall not exceed twenty-five per centum per annum, after the proper deductions are made for repairs, insurances, and other necessary incidental expenses. Toll-gates shall be kept up at one end of the bridge, and the rates of toll shall be posted up in some conspicuous place on said bridge, in fair and plain print: *Provided, also*, That nothing in this act shall be so construed as to authorise the obstruction of the navigation of said river.

Sec. 8. That all United States troops, with all military stores for the use of the army of the United States, and all persons going to or from any place of religious worship, and all persons going to or from any place of military muster, when doing duty in the militia of this state, shall pass said bridge free from toll.

Sec. 9. That if any person or persons shall wilfully and knowingly do any act or thing whatever whereby the said bridge, or any thing thereunto belonging, shall be injured or damaged, the said person or persons, so offending, shall pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent jurisdiction.

Sec. 10. That if any person or persons shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any authorised person present to receive it, shall forfeit and pay three times the amount of toll or tolls, which he, she, or they, were liable to pay for passing said bridge, recoverable before any justice of the peace in this state.

Sec. 11. That if any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or refuse to let any passenger to pass, or shall receive or demand more than the legal toll, he shall, for every such offence forfeit the sum of three dollars, for the benefit of the poor of St. Joseph county, to be collected with costs of suit before any competent tribunal.

Sec. 12. That each stockholder shall be entitled to such proportions of the dividends made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company, at any time when demanded, after ten days from the time of making such dividend.

Sec. 13. That all dividends of the nett proceeds of said company, shall be made quarter-yearly, on the third Mondays of February, May, August, and November.

Sec. 14. That no other person or persons shall be authorised, after said bridge shall be finished and completed for passengers, and so long as said bridge shall be kept in good repair, during the continuance of

this charter, to establish any ferry or bridge over the St. Joseph river within one mile of said bridge.

Sec. 15. Nothing in this act shall be so construed as to prevent the establishment of a ferry at any place within one mile of said bridge during the time that said bridge may be destroyed or unsafe for passage.

This act shall take effect and be in force from and after its passage.

CHAPTER XXIV.

AN ACT to incorporate the New Harmony Manual Labor College, at or adjoining New Harmony, Posey county, Indiana.

[APPROVED FEBRUARY 6, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Brown, Robert Todd, Alexander McClure, Robert Dale Owen, Arza Lee, Robert Faundleroy, Jonathan Emmerson, John Cooper, William Owen, Anson S. Andrews, Samuel Philips, George S. Green, and Charles I. Battell, and their associates and successors in office, be, and they are hereby constituted and declared to be, a body corporate and politic by the name and style of the "New Harmony manual labor college," and by that name they shall have perpetual succession; with full power and authority to contract and be contracted with, to acquire, hold, enjoy, and under the seal of the college, transfer property, real or personal, in their corporate capacity, to confer or cause to be conferred, degrees, and to authenticate these in the same manner as they are usually authenticated in other colleges: *Provided,* That no degree shall be conferred except when the proficiency is such as is usually required in other colleges throughout the United States; to make, have and use a common seal, to sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity, to receive and accept of any grant, gift, donation or conveyance of any property, real or personal; and to hold and dispose of the same for the interest of said college; to elect, remunerate and at their pleasure to remove and replace a president and all such other officers, professors, instructors, tutors and agents as they may deem necessary; to make, execute and enforce, also to alter and repeal, such by laws and ordinances not inconsistent with the laws of the United States or of this state, as they shall consider expedient, to expel any of their own number for immoral conduct, or for a breach of this charter, or of the by-laws of this institution, to add to, and fill all vacancies in, their own body; and generally to do all other acts necessary for the prosperity of said college, and for the promotion of scientific, literary and industrial objects in connection therewith.

Sec. 2. The following are declared to be the fundamental laws of this institution. Elections shall be by ballot, a majority of votes of the corporation deciding; a majority of members present at any meeting of the corporation shall govern in all other cases; there shall be four stated quarterly meetings of the corporation, in each year, with power to adjourn or call other meetings, as business may require; and a majority of the corporation shall form a quorum to do business at any meeting; a trustee changing his residence to a distance from the institution shall resign his situation, or vacate his office.

Sec. 3. No president, professor, tutor, instructor, or other officer of the college shall ever directly, or indirectly, be required by the trustees or by any officer or officers belonging to this institution to profess any particular religious opinions; and no student shall be denied admission, or refused any of the privileges, degrees or honors of the college, on account of any opinions he may entertain on the subject of religion. Nor shall any religious doctrine or tenets peculiar to any sect of professing christians, or infidel or atheistical doctrines ever be taught the students of said institution, as such, either directly or indirectly by any of the professors, tutors, instructors or members of the corporation, or other person or persons connected therewith, under the penalty of immediate expulsion. And every member of the corporation and every professor and other officer connected with the institution, shall, before he enters on office, take the following oath, which shall be administered by any person duly authorised to administer oaths in this state: "You do solemnly affirm that you will well and truly discharge the duties assigned you to the best of your abilities; and that you will support the charter of the New Harmony manual labor college, under the pains and penalties of perjury."

Sec. 4. That the natural sciences shall at all times, constitute a principal object of instruction in this institution; that the most useful living languages shall enter into its plan of tuition; and generally, that it shall be the aim of the corporation to form moral, intellectual and industrious citizens, rather than speculative theorists or learned schoolmen.

Sec. 5. That as soon as the trustees can conveniently make arrangements to that effect, those students who are of sufficient bodily ability shall be exercised and instructed in some species of mechanical or agricultural labor, in addition to their scientific and literary studies. And the trustees shall annually report to the legislature the plan, progress and effects of such agricultural and mechanical exercise and instruction upon the health, studies and improvement of the students.

Sec. 6. The legislature reserves the right of altering or amending this charter at any time after the expiration of ten years.

Sec. 7. The corporation shall not hold more than fifty thousand dollars worth of real property, for a longer period than three years; And the trustees shall have power to alter the college from the manual labor plan, to that of any other, at any time after two years.

This act to be in force from and after its publication in the Disseminator, printed in New Harmony.

CHAPTER XXV.

AN ACT to incorporate the Montezuma Steam Mill Company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of building and managing a steam mill for grinding grain and driving such other machinery as may be attached to said mill, and carrying on the business incident thereto at the town of Montezuma, and county of Parke, James Nesmith, Samuel Hill, junior, Joseph Potts, John Woolf, John Shook, Samuel Brown and William Cooke, and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the "Montezuma steam mill company," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

SEC. 2. The process against said corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may change and alter the same at pleasure; and shall be capable of purchasing, holding, using and conveying any estate real or personal, necessary for the use of said corporation.

SEC. 4. The capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of twenty five dollars each; but, it shall be lawful for the said corporation to commence their said business when and so soon as four thousand dollars shall have been subscribed for, and with that capital to commence conduct and carry on the same, until they shall find it expedient to extend their capital which they are authorised to do from time to time to the amount herein mentioned.

SEC. 5. The subscription to the said stock shall be opened under the direction of James Nesmith, Joseph Potts, Samuel Hill, junior, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, at Montezuma as they shall appoint, and that the sum of five dollars at least, shall be paid to the commissioners, previous to the election of directors, on each share.

SEC. 6. The stock, property and concerns of the said corporation shall be managed and conducted by five directors who shall be stockholders and residents of Parke county, one of whom to be presi-

dent, who may respectively hold their offices for one year, and until others shall be chosen and no longer: *Provided,* That the directors first chosen shall hold their offices until the second Monday in June eighteen hundred and thirty six and until others shall be elected in their stead.

SEC. 7. So soon as the sum of four thousand dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act, shall give notice by written advertisements, posted up at five of the most public places in said county, for an election of directors on such day and at such place in the town of Montezuma, as said commissioners or a majority of them shall designate; which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the second Monday in June in each year, after the term of the directors first chosen shall have expired, at such place in the town of Montezuma, as a majority of the directors for the time being, may prescribe; of which elections notice shall be given at least fourteen days by written advertisements posted up at five of the most public places in said county of Parke, or by publication in a newspaper printed in the county of Parke.

SEC. 9. The first election herein contemplated shall be held under the inspection of the said commissioners, and all subsequent elections under the inspection of the directors for the time being.

SEC. 10. All elections shall be by ballot, and a majority of votes present allowing one vote for each share shall be necessary to a choice.

SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors, by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it shall happen at any time that an election of directors should not be made on any days when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the laws and ordinances of said corporation.

SEC. 13. A majority of the directors for the time being, shall form a board or quorum for the transacting of all the business of said corporation, and shall have power to prescribe and make such by laws rules and regulations not repugnant to the laws and constitution of the United States or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers and men employed therein, the election of directors and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary

for carrying on the business of said corporation, and allow such pay as to them shall seem just.

SEC. 14. The stock of said corporation shall be assignable and transferable, according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided*, That no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president; which book shall at all reasonable hours of transacting business be open to the examination of any stockholder or person having any demand against the corporation or any member of it; and in case any officer of the company having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of fifty dollars, one moiety thereof to the Parke county seminary and the other moiety to him who will sue for the same by action of debt in any court of record together with the cost of suit.

SEC. 15. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts in which shall be entered all the transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the said company.

SEC. 16. That said stockholders shall each be held responsible, to all creditors in his individual capacity, to the amount of his stock, on failure of a sufficiency of property belonging to said company: *Provided*, That said corporation shall at no one time be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity, but nothing in this section contained shall be so construed as to exempt said corporation from being also liable for said excess.

SEC. 17. The directors shall have power to receive, and by a due course of law, collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board: or the board may in their discretion, after the failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share forfeited to the use of the company: *Provided*, That notice of such requisition, shall be given by said directors, by written advertisements posted up at five of the most public places in said county of Parke, at least thirty days before such instalment may be payable, specifying the amount thereof, and when due.

SEC. 18. The said corporation hereby created shall not engage in any banking business whatever.

SEC. 19. This charter shall be and is hereby limited to the term of

fifty years from and after the first day of July eighteen hundred and thirty five.

SEC. 20. This act shall be, and the same is hereby declared to be a public act, and shall take effect from and after its passage.

CHAPTER XXVI.

AN ACT to incorporate the Turkey Plain Manufacturing Company.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elihu Trimble, Elijah Harlan, Robert Snodgrass, Robert Wyle, John Shelby, George Harlan, and Charles Erwin, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "the Turkey Plain Manufacturing Company," by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of laws of this state, as a body politic and corporate, such as contracting and being contracted with, suing, and if necessary, being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure; and that they and their successors as a body corporate by the aforesaid name shall be competent and capable of purchasing, holding, using, and conveying any property, or estate whatsoever, real or personal, that may by them be deemed necessary to the prosecution of their designs aforesaid; and the said corporation as herein described shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. That the capital stock of said corporation shall consist of thirty thousand dollars, consisting of shares of fifty dollars each; that it shall nevertheless be lawful for said corporation, so soon as four thousand dollars shall be subscribed, to commence their business, and they shall then be entitled to all the privileges of extending the amount of the capital stock by subscription till it amounts to thirty thousand dollars, as the interest or business of said corporation may require; and that the aforesaid Elihu Trimble, Elijah Harlan, Robert Snodgrass, Robert Wyle, John Shelby, George Harlan, and Charles Erwin, or any two of them, are hereby constituted commissioners, and assuch are hereby authorised to [open books] and receive subscriptions to said stock, at such places and times as they may deem expedient after the passage of this act, after giving at least ten days' notice by posting up advertisements in at least three different places in the county where books for stock are to be opened, which subscription shall be paid at

such time and such manner as the board of directors shall order and direct: *Provided, however*, That not to exceed twenty-five per cent. per annum to be paid semi-annually on the amount of stock held, shall be demanded after the payment of the first instalment.

Sec. 3. It shall be lawful for all persons of lawful age, for the agent of any corporate body, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice of opening the books; and any future payments on the stock shall be under the control of the corporation.

Sec. 4. That as soon as four thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock and concern of said corporation. Said commissioners shall give at least fifteen days public notice prior to holding said election, by posting up notice thereof in three of the most public places in the county of Kosciusko. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy from those not present, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of said election; which election shall be held at such place as may be fixed on by the board of directors, and shall not afterwards be changed unless by the vote of a majority of the stockholders at their annual election. The said commissioners shall act as judges and managers of said first election, but at each subsequent election the acting directors shall act as judges and managers and conduct said elections: and said directors shall elect one of their number to act as president of the said board of directors, and in case of vacancy of one in said board, by death or otherwise, the remainder of the board shall have power to fill such vacancy; but if a vacancy of two or more shall occur, the remaining board shall proceed to order an election to fill said vacancy.

Sec. 5. A majority of the directors shall form a quorum capable to transact business of said company, and may enact such by-laws, rules, and regulations, as they deem expedient for the government of said corporation: *Provided*, they be compatible with the laws and constitution of this state and of the United States. The said

directors shall have full power and authority to put into operation all the designs contemplated in this charter.

Sec. 6. The said commissioners shall have full power at any time to receive, and by a due course of law, coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax of damage which they may assess for delinquency or refusal to pay their respective instalments when called on by said directors: *Provided*, said tax shall not exceed six per cent. on the amount of stock subscribed by said delinquent.

Sec. 7. That the stockholders of said corporation shall severally be held responsible in their individual capacity for the amount of their respective subscriptions to said stock, and no further.

Sec. 8. Any execution issued upon any judgment or decree rendered against said corporation may be levied on any goods and chattels, lands or tenements, of one or more stockholders thereof, which stockholder or stockholders, shall in no such case have his, her, or their right of contribution against the other stockholders of said corporation.

Sec. 9. That if said company should, at any time, fail or become insolvent, and its property and effects shall not be sufficient to liquidate all just and legal debts, dues, and demands, and that said directors shall have been found guilty of violating any part of the letter or spirit of this charter; or should any agent be found thus transcending the orders of said directors, in either case such directors or agents shall become responsible to the full amount of such failure or insolvency, otherwise their respective responsibility shall be on equal footing with other stockholders.

Sec. 10. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may, at any time, make and prescribe: *Provided*, That no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company, nor until all or any claims which said company may have against said stockholders shall be regulated.

Sec. 11. That the said board of directors are hereby authorised and empowered to appoint all necessary officers, agents, and superintendents for transacting the business herein contemplated. They shall appoint one secretary and one treasurer, who shall report to said board of directors at least every six months, and as much oftener as said board may deem proper. Said treasurer shall, before entering upon the duties of his office, give bond and security in such sum as the board of directors may require and deem sufficient; and the said secretary shall keep the books in such manner that, at any time, they will give a full expose of the whole standing transaction and state of the concern; which books shall, at all times, be open to the inspection of all persons concerned in any respect with said company, either as stockholder, or having dealings with, or claims against said corporation; and that said secretary, upon a refusal thus to display said

books on any of the usual hours of doing business, shall forfeit and pay for the use of the person thus refused, any sum not exceeding one hundred dollars, to be recovered by action of debt.

SEC. 12. That any contract made and entered into by any authorized agent of said corporation, shall be binding upon said company to the extent of such agency.

SEC. 13. That dividends of the profits arising from the business of said corporation, shall be made semi-annually, and paid to the stockholders as soon thereafter as convenient; but no dividend shall be made to a greater amount than nett profits after deducting all expenses; and the corporation may reserve such proportion of the profits as a contingent fund as they may deem proper.

SEC. 14. This act to take effect and be in force from and after its passage.

CHAPTER XXVII.

AN ACT to amend an act entitled an act to incorporate the South Bend Bridge Company, approved February 2, 1833.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of the act to which this is an amendment, be so amended as to authorize said corporation to have perpetual succession for the term of fifty years from the first day of June next.

SEC. 2. The capital stock of said corporation is hereby increased to the sum of ten thousand dollars, provided that the stockholders in said corporation after the term of time fixed by the act to which this is an amendment, shall each be liable in his individual capacity for all debts or demands against said corporation which shall have accrued during the time that he is such stockholder, in proportion to the amount of stock by him held, to be recovered by suit in equity or otherwise, provided that before such liability shall attach as aforesaid, there shall be a return of *nulla bona* on an execution against such corporation, or some equivalent proceeding.

SEC. 3. So much of the act to which this is an amendment as comes within the purview of this act is hereby repealed.

CHAPTER XXVIII.

AN ACT to amend an act entitled an act to incorporate the town of Madison, approved February 4, 1831.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana* That any person retailing spirituous liquors, foreign or domestic, within the bounds of the said corporation of Madison, contrary to the provisions of the eighteenth section of the act to which this is an amendment, shall forfeit and pay to the said corporation the sum of ten dollars for each and every offence, to be recovered by said corporation in their corporate name by action of debt in any court having competent jurisdiction, for the use of the county seminary.

SEC. 2. So much of the act to which this is an amendment as comes within the provision of this act, be and the same is hereby repealed.

CHAPTER XXIX.

AN ACT to incorporate the White River Bridge Company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the White River Bridge Company, and by that name shall be capable of holding real estate sufficient to carry into complete effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever, and shall have authority to make, ordain, and establish such by-laws, rules, and regulations, not repugnant to the laws and constitution of this state, or of the United States, as shall be necessary for the management and good government of said corporation.

SEC. 2. That the capital stock of said company shall be fifteen thousand dollars, divided into shares of twenty-five dollars each: *Provided,* If said sum is not sufficient for the building and finishing said bridge, the legislature may hereafter increase the said capital stock to that amount.

SEC. 3. That Samuel Merrill, James Blake, Larken Sims, John Forster, and David Bower, of the county of Marion, be, and they are hereby appointed commissioners to open books for the receiving of subscriptions to the capital stock of said company, and the said books shall be opened on or before the first day of July next, and each

of said commissioners, after the books are opened as aforesaid, may individually receive subscriptions for said company.

SEC. 4. That whenever one hundred shares of the stock of the said corporation shall have been subscribed, the said commissioners shall cause an advertisement to be inserted in one or more of the newspapers published at Indianapolis, giving at least three weeks notice of the time and place of holding an election for directors for said company, and at the time and place named in the notice given by the said commissioners, the stockholders shall meet, and by a majority of votes, shall choose seven directors, a majority of whom shall be a quorum to do business; and an election shall be held annually in such manner and at such time and place as a majority of such directors first choose may direct, and the said directors chosen as aforesaid, shall immediately after the first and each succeeding election, appoint one of said directors president of the board, and a secretary and treasurer thereof, but may fill vacancies at any time.

SEC. 5. That the said board of directors may demand from the stockholders respectively, all sums of money subscribed, at such times and in such proportions as said board may deem proper and right, under such limitations and restrictions as said board may adopt.

SEC. 6. That said company hereby incorporated, are here-in authorized and empowered, within three years from the taking effect of this act, to erect a good and substantial safe bridge across White river where the Michigan road crosses the same, and if said bridge shall not be completed within four years from the passage of this act, then, and in that case, this act shall be null and void, otherwise it shall remain in full force for twenty years.

SEC. 7. And as soon as the bridge contemplated by this act, shall be completed or made ready for passengers to pass over upon, the directors of said company are hereby authorized to erect a toll gate on either end of said bridge, and by their agent, appointed for that purpose, to demand and receive from every person who may wish to pass over said bridge, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by two horses, twenty-five cents; if drawn by four horses, thirty-seven and a half cents; every two wheeled pleasure carriage, twelve and a half cents; every wagon or cart drawn by two horses, or oxen, eighteen and three-fourth cents, and if drawn by four horses or oxen, twenty-five cents; each sled or sleigh and two horses or oxen, twelve and a half cents; every one horse cart, wagon, sleigh or cutter, ten cents; every man and horse, six and one fourth cents; every horse, jack, mule, or head of cattle, two cents; hogs and sheep, one half cent a head; and in analogous proportions of the foregoing rates, for any other animal and carriage. But all persons going to and returning from places of religious worship, going to and returning from a grist mill, going to and returning from training, when doing duty in the militia, shall be exempt from paying toll. And said company, for detaining passengers who may wish to pass, or neglecting to keep said bridge in proper re-

pair, shall be liable to the same penalties and damages, that ferrymen shall for failing to keep proper or suitable boats, and at all times in the night when there is no person in attendance at the gate, it shall be left open.

SEC. 8. Each stockholder shall be entitled to such proportion of the dividend made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company, at any time when demanded, after ten days from the making such dividend, which shall be quarterly.

SEC. 9. In all elections held by said company, each person shall be entitled to as many votes as he holds shares in the stock of said company: *Provided*, No person shall have more than ten votes.

SEC. 10. The navigation of said White river shall be preserved free from obstruction, and the said bridge shall be built of sufficient height to admit loaded boats to pass under it in the highest stage of water, and shall be at least twenty feet wide and well guarded by railing on both sides, so that stock of every description may pass with safety.

SEC. 11. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited at every annual meeting of the stockholders.

SEC. 12. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation three times the amount of the legal toll, to be recovered by action of debt before a justice of the peace. And if any toll gatherer unreasonably delay or hinder any passenger at the gate, or shall demand and receive more than the legal toll, he shall, for every such offence, forfeit the sum of two dollars, to be recovered before a justice of the peace, to the use of the person so hindered, delayed, or defrauded.

SEC. 13. The state reserves the privilege of purchasing of the said company, the aforesaid bridge, at any time after the expiration of fifteen years, by paying the stockholders the amount of stock expended, together with ten per cent. interest thereon, and the privilege of the United States mail passing free of toll at all times.

CHAPTER XXX.

AN ACT to incorporate the Logansport and Wabash bridge company.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders, pursuant to this act, shall be, and they are hereby constituted a body politic and corporate by the name and style of the "Logansport and Wabash bridge company" and by that name shall be capable of holding real estate

sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution and laws of this state or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

Sec. 2. The capital stock of said corporation shall be twenty thousand dollars divided into shares of fifty dollars each.

Sec. 3. That Walter Wilson, Robert B. Stevenson, Nicholas D. Grover, George W. Ewing, Israel Johnson, Jordan Vigus, Cyrus Taber, Job B. Eldridge and Isaac Cleary, be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on before the first Monday of September 1835, and each of said commissioners may receive subscriptions.

Sec. 4. Whenever one hundred and fifty shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed in Logansport, giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors; and at the time and place appointed, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint the directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stock holders.

Sec. 5. The directors may demand from the stockholders respectively all such sums of money [by] them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty five per cent of the amount of stock every six months, by giving thirty days notice in some weekly newspaper printed at Logansport, or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay requisition, within ten days after the [time] named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon from delinquent, and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare

such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

Sec. 6. The said corporation may erect a bridge across the Wabash river at, and opposite the southern termination of bridge street in the town of Logansport in the county of Cass; and the said corporation shall have and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary causeways.

Sec. 7. Whenever the said bridge shall be completed the said corporation may erect a gate at either end of the bridge, and demand and receive a toll not exceeding the following rates, to wit: every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, attached to the carriage, six a fourth cents; every two wheeled pleasure carriage, twenty five cents, for every waggon or cart, sleigh, sled or cutter drawn by one horse eighteen and three fourths cents; for every cart, sleigh or sled drawn by two horses or oxen, twenty five cents; for each man and horse, twelve and a half cents; for each horse or mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog one cent; for every foot passenger, six a fourth cents; and in analogous proportions of the foregoing rates for any other animals and carriages. But all persons going to or returning from places of religious worship; going to or returning from muster, when doing militia duty; and all funeral processions shall be exempt from paying toll.

Sec. 8. If any person shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction.

Sec. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

Sec. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with costs, before a justice of the peace to the use of the person so unreasonably delayed, hindered, or defrauded.

Sec. 11. The said bridge shall be built not less than twenty five feet wide, and shall be well secured by a railing on each side, not less than four feet high.

Sec. 12. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act to be null

and void, otherwise to remain in full force and virtue for the term of sixty years.

SEC. 13. The navigation of the Wabash river shall be preserved free from obstructions, and the bridge shall be built a sufficient height to admit loaded boats to pass under it.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney duly authorised for that purpose; but such stock shall, at all times, be held by the corporation for any debts due from the holders thereof, to the corporation.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation, to be made, and exhibited to the stockholders, at every annual election; or at any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent, the directors may appoint a president *pro. tem.*

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the stockholders, according to the following scale to wit: for each share not exceeding five shares, one vote; for every two shares, above five and under fifteen, one vote; for every three shares above fifteen, and not exceeding thirty; one vote; for every five shares above thirty, one vote.

SEC. 17. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made, on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of capital insufficient, for the purposes herein named, the said corporation is hereby authorised to extend the capital stock of said corporation to any amount to not exceeding forty thousand.

SEC. 19. This act to take effect and be in force from and after its passage.

CHAPTER XXXI.

AN ACT to incorporate the Western Literary Society in the county of Montgomery.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That E. R. S. Canby, David Keyt, Daniel Mace, and Thomas Newberry, and their successors and associates are hereby constituted a body politic and corporate, and shall be known by the name of the western literary society in the county of Montgomery, and by that name shall have power to sue and be sued, to form a constitution or adopt the same one now existing in said society, and the same to alter or amend, to make and use a common seal, to hold personal property, to buy and sell or otherwise dispose of the same at pleasure, and shall have power to make by-laws, and to do and perform all other acts necessary to carry into effect the object of this institution, not contravening any principle of the constitution and laws of the state of Indiana.

SEC. 2. The object to be promoted by this society, shall be the establishment of a library, the dissemination of literature and science, and the improvement of the members of this society in composition and polemic discussion, and none other.

SEC. 3. As soon as convenient, after the taking effect of this act, the persons named in the first section thereof, shall appoint a day, and give notice thereof, for a meeting of the society, and proceed to organize the same by electing their officers, which shall consist of a president, treasurer, secretary, and three trustees, and all other officers necessary to promote the objects of the society, who shall hold their offices one year, or until their successors are chosen; and the said society shall meet according to their own appointment.

This act to be in force from and after its publication.

CHAPTER XXXII.

AN ACT to incorporate the Michigan City and Kankakee rail road company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Sprague, William Teall, Jacob Eigelow, Joshua Hobart, and David Burr, all of Michigan city, with their associates and successors in office be and they are hereby constituted a body corporate and politic, by the name and style of the "Michigan City and Kankakee rail road company," for the purpose of constructing a rail road or a canal from the navigable waters of the Kankakee river in the state

of Indiana, to Michigan City, and they and their successors shall continue in office, and have perpetual succession, for the term of seventy-five years from the first day of June next, and by that name and style are hereby made capable in law to contract and be contracted with, to sue and be sued, plead and be impleaded, as a natural person, in this state and elsewhere, and shall be so recognized in courts of law and equity; and to have a common seal and to change and alter the same at pleasure. They shall also, in their corporate name, for the use of said corporation, have power to purchase and hold a sufficiency of real estate for the full enjoyment of all privileges herein and hereby granted, and also the power to ordain and establish such by-laws, ordinances, and regulations as shall be deemed necessary for the furtherance of the objects of this incorporation, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall consist of five hundred thousand dollars, to consist of shares of one hundred dollars each, to be subscribed for or sold in the manner hereinafter mentioned: *Provided*, The amount above stated is insufficient to complete the said contemplated work, it may be increased to a sufficient sum to accomplish that purpose.

SEC. 3. That at any time after the passage of this act, the before named persons, or a majority of them, shall meet at Michigan city and elect a president out of their body, and a secretary, who may or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and proceed to make such arrangements for opening books for the subscription of stock, and may appoint such person or persons to receive subscription of stock, at such times and places, and in such manner as they may order and direct, and moreover make such orders for the payment of instalments on stock as they may think to be for the interest of the corporation.

SEC. 4. The corporation, by their agents, shall have full power, from time to time, to examine, survey, mark, and locate a route for a rail road for a single or double track, or for a canal, (as they may deem most advisable,) commencing at Michigan city in Laporte county, and running on the best ground for the interest of the company, and the convenience of the public, to the navigable waters of the Kankakee river, with full power in all cases, to diverge from a direct line, where more favorable ground can be had for the construction of said work.

SEC. 5. That the said corporation shall be governed by the provisions of an act entitled "an act to incorporate the Evansville and Lafayette rail road company," approved December 24, 1833, except so much of said act as contravenes the foregoing provisions.

SEC. 6. This act to be in force from and after its passage.

An act to incorporate the Lexington Steam Mill Company.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of erecting and managing a steam mill in or near the town of Lexington, in the county of Scott, to grind grain, and to propel such other machinery as it may be thought best at any time to attach thereto, and for the further purpose of conducting and carrying on any other business connected with said mill, (not herein prohibited) as may be deemed most advisable, Samuel Raukin, James V. White, John E. Roe, James Goodhue, Thomas M'Camant, Ludlow Pearsons, and Isaac Trumbo, or any three of them, with such others as may become their associates be, and they are hereby ordained, created and declared to be a corporation, and body politic with a capital of ten thousand dollars, to be divided into four hundred shares of twenty-five dollars each, which shall be subscribed and paid for by individuals, companies or corporations in the manner hereinafter specified; to be designated and known by the name and style of the "Lexington Steam Mill Company;" by which name they, their successors and assigns, shall be and are hereby made able and capable in law and equity, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, and hereditaments, goods, chattels, rights, credits and effects, of every kind, nature and quality whatsoever; and the same, to sell, grant, demise, alien or dispose of: to buy, sell, barter, hire, exchange, borrow and lend, and do and perform all and singular, every other act and thing, which any corporation for the purposes aforesaid might and could do: to have continual succession; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of competent jurisdiction and places whatsoever; to make have and use a common seal and the same, to break, alter and renew at pleasure, and to order, establish and put in execution such by-laws, ordinances, and regulations (not inconsistent herewith, or with the constitution and laws of this state or the United States), as shall be deemed necessary and convenient for the government of said corporation; subject nevertheless to the rules, regulations, restrictions, and limitations, herein after prescribed and declared.

SEC. 2. That subscriptions to the capital stock of said company, shall be opened on the first Monday of April 1835, at the Court House in Lexington, under the superintendence of Samuel Rankin, Thomas M'Camant, James Goodhue, and Isaac Trumbo, or any three of them, (who are hereby constituted commissioners for that purpose) and shall continue open every day (Sundays excepted) between the hours of nine o'clock in the forenoon and four o'clock in the afternoon of each day, for the term of twenty days; at the ex-

piration of which term, said subscriptions shall be closed; and if more than the entire stock aforesaid, shall have been subscribed, if shall be the duty of said commissioners to deduct the amount of such excess from the largest subscriptions in such manner as that no subscriptions shall be reduced in amount while any one remains larger; but if less than the entire stock shall have been subscribed, the deficit, (provided one thousand shares shall have been taken) shall be subscribed for in the manner herein after appointed.

SEC. 3. That it shall be lawful for any individual, company or corporation, when the subscriptions shall be opened, as aforesaid, to subscribe for any number of shares of the capital stock aforesaid; and the sums so subscribed shall be payable and paid by the person or persons, company or corporation so subscribing, their executors, administrators, successors or assigns, to the directors hereinafter named, at such times, and in such manner and proportion as is herein provided or shall be by said directors required; and if any person or persons, company or corporation so subscribing as aforesaid, their executors administrators, successors or assigns shall fail neglect or refuse, upon reasonable notice given or demand made, to pay to said directors, any instalment herein provided, or by said directors required, it shall and may be lawful for said directors, upon such failure or refusal, from time to time, in an action of assumpsit before any court of competent jurisdiction, to recover the instalment so required to be paid, with ten per centum in damages thereon, and all costs of suit; or said directors may in their discretion, declare the portion of stock paid in on any such share or shares, to be forfeited to, and for the use of said company.

SEC. 4. That at and immediately after the expiration of the twenty days, before specified, it shall be the duty of said commissioners, if one half of the shares of the capital stock of said company shall have been subscribed, and not otherwise, by written advertisement posted up at the Court House door of said county, to give fifteen days notice to said stockholders and subscribers to meet at the court house, on a day by said commissioners to be named, and elect directors of said company.

SEC. 5. That the stock, property and concerns of said company shall be managed and conducted by seven directors, who shall be stockholders and residents of the county of Scott, and shall be elected by the stockholders of said company; all elections of directors shall be by ballot; each stockholder shall be entitled to as many votes as he may own shares of stock, and a majority of votes given shall be necessary to a choice; votes may be given in person or by proxy, by any one of two or more joint stockholders, or by husband, father, mother, administrator, executor, trustee or guardian, as the case may require; at the time and place, designated by the commissioners as aforesaid; it shall be lawful and is hereby made the duty of said stockholders to meet and elect directors, who shall continue in office from the time of their election up to the second Monday of

November, 1836, and until successors shall be chosen. All subsequent elections of directors, shall be held annually on the second Monday of November in each year commencing on the second Monday of November 1836 at the court house in the county aforesaid, and the directors so subsequently elected, shall continue in office one year, and until successors are chosen and no longer: *Provided however*, that in case it shall, at any time, happen that an election of directors should not be had on the second Monday of November as aforesaid, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold an election in such manner as said directors for the time being may appoint or as may be fixed by the by-laws and ordinances of said corporation. The first election herein contemplated shall be held under the inspection of the commissioners aforesaid and all subsequent elections under the inspection of the president and two directors (to be named by the president) of said corporation.

SEC. 6. The directors of said corporation, as soon as may be after their election respectively, shall proceed to choose one of their number, president, who shall preside at all meetings of said directors, and sign their proceedings; but in case of absence, it shall be lawful for said board to supply his place by a *pro tem* appointment. Any three of said directors, shall form a quorum for the transaction of business; and if a vacancy, at any time shall occur, among said directors by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office. Said directors, for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing the business of said corporation, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the agents and officers of said corporation as shall be prescribed by the laws, regulations and ordinances of the same.

SEC. 7. That at such time within three months after the first election as aforesaid, as shall be designated by said directors, it shall be the duty of each and every stockholder to pay to said directors or their agent or attorney thereunto lawfully authorised, the sum of three dollars on each and every share of stock by him subscribed; and for this purpose, it is hereby made the duty of said directors forthwith after their election, by advertisement posted up at the court house door of said county, to give at least three weeks notice to said stockholders of the time and place in said county, when and where said instalment shall be paid. It shall further be the duty of said directors, forthwith after their election, if less than the capital stock of said company shall have been subscribed under the superintendence of the commissioners before named, to open books of subscription for the balance so not taken, and continue the same open during all usual hours of business for six months, then next following; unless before that time the entire stock shall have been

subscribed; and if, at the expiration of said six months the entire stock shall not have been subscribed, the balance so remaining shall be subscribed for at such time or times and in such manner as said directors may appoint: *Provided however*, that the subscribers of stock under this section shall be required, at the time of subscribing to pay as much on each share of stock as shall have been paid by the subscribers under the commissioners aforesaid, together with such amount of interest at six per centum as will under such payments be equal to the payment or payments first made as aforesaid.

Sec. 8. As soon after the subscription of capital stock as aforesaid as two thousand five hundred dollars shall be paid to said directors, it shall be lawful for said corporation to commence business.

Sec. 9. Whenever it shall be found necessary the stock of the incorporation may be increased to a further sum not exceeding ten thousand dollars more, in addition to the ten thousand dollars mentioned in the first section of this act, to be also divided into shares of twenty-five dollars each, and to be subscribed for in such manner and upon such terms as may be fixed by the directors agreeably to the equity of the foregoing provisions of this charter.

Sec. 10. That it shall be the duty of said directors at all times to keep or cause to be kept suitable records and books of accounts, in which, shall be entered, from time to time, all the transactions of said corporation; which shall at all times be subject to the inspection of any of the stockholders of said company.

Sec. 11. That the stock of said company shall be assignable and transferable according to such rules and regulations as said board of directors may establish: *Provided*, however that no transfer (except by operation of law or order of a competent court) shall be valid and effectual unless registered in a book to be kept for that purpose by said directors; which book it is hereby made the duty of said directors to keep and at all times to exhibit for examination on the demand of any stockholder, or other person, having any claim against said corporation or any member of it; and in case any officer of said company, having charge of said book shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of fifty dollars, one half thereof to the county seminary of said county, and the other moiety to him who will sue for the same by action of debt in any court of competent jurisdiction, with costs of suit.

Sec. 12. That said corporation shall not engage in any banking business whatsoever, by issuing notes or drafts or certificates of deposit payable to order or to bearer, and redeemable or to be redeemed at any office or place, upon banking principles, by them established; neither shall they purchase or hold more lands, tenements, or hereditaments, than shall be requisite for their immediate accommodation in the transacting of their business, unless the same shall have been *bona fide* mortgaged by way of security or conveyed in or towards satisfaction of debts previously contracted in the course of

their dealings or purchased at sale upon judgments which shall have been obtained for such debts.

Sec. 13. This charter shall be and hereby is limited to the term of fifty years from and after the second Monday of November 1836.

Sec. 14. Said corporation shall not hold any lands, and tenements, except such as may be necessary for their immediate accommodation in the transaction of their business a longer time than ten years.

Sec. 15. In case of the insolvency of said corporation each stockholder shall be liable to the creditors of said corporation for debts incurred or damages accruing whilst he was such stockholder in proportion to the amount of his stock by suit in equity, and the creditors may also file such bill against any person or persons indebted to said corporation and recover any debt due the same for stock or otherwise or an equitable proportion thereof to the payment of their respective claims.

Sec. 16. Any director being guilty of any violation of this charter or of any mal-administration of the affairs of the corporation, and any agents guilty of any malfeasance or wilful neglect of the business of said corporation, shall be liable in law or equity to the creditors and stockholders to the extent of the deficiency of the estate and profits of the stock of said corporation, to pay the debts and discharge the liabilities thereof: *Provided however*, That any directors who may have been absent and not privy thereto when such abuse [or] excess was caused or committed or who may have been dissenting therefrom at the time the same was done shall not be responsible as aforesaid.

Sec. 17. This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the Franklin county Seminary," approved February 3, 1832.

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the person who shall or may be elected treasurer of the Franklin county seminary, by the trustees of the same, to execute a bond payable to the board of commissioners of Franklin county for the use of said county seminary, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and that he will pay over on the order of the said trustees all money that may come into his hands as such treasurer; and shall also take

an oath, before some justice of the peace, for the faithful performance of his trust.

Sec. 2. It shall be the duty of said trustees to purchase a book, in which shall be made a record of all their proceedings; the proceedings of each meeting shall be signed by the president and attested by the secretary, and no money shall be paid out, but upon the order of the trustees, to be entered of record as aforesaid, a certificate of which fact, signed by the secretary, shall be sufficient authority for the treasurer to pay over the amount to the person named in such certificate, or his assigns.

Sec. 3. The said trustees shall be authorised to demand and receive from the board of trustees of the county seminary in the county of Franklin, as created by the act entitled an act relating to county seminaries, approved February 4, 1831, all money and notes belonging to the seminary fund in their hands, and they are hereby authorised to make settlement with such board of trustees of the county seminary of Franklin county, or any former trustees of the seminary fund of said county, and on such settlement, if any thing be due said fund, in their said corporate name, to demand, receive, or sue therefor, if they think proper; the said money to be appropriated as contemplated by this act; but no contract made or note given to or by the trustees of the seminary fund, shall be disannulled or made void, by the trustees aforesaid; but when such contract or note becomes due, the said trustees shall have power to collect the same by suit or otherwise, they shall also have power to demand and receive from any other person or persons, or any other source, all seminary money to which the said county of Franklin is entitled, and their receipts to such person or persons shall be sufficient vouchers for the same.

Sec. 4. That from and after the passage of this act, it shall be the duty of all officers collecting money for the use and benefit of said fund, to pay the same over to the treasurer of the said trustees, whose receipt shall be sufficient vouchers for the same, and on failure of such officers to pay the same over, the said trustees shall have the right of suing therefor in their said corporate name; and it shall be the duty of the said treasurer to keep a just and true account of such money by him received, in a book to be by him kept for that purpose; and the said treasurer shall receive for his services such reasonable compensation as the said trustees shall see proper to allow him.

Sec. 5. It shall be the duty of the trustees aforesaid to make a detailed report of the disbursement of such funds as may come into their hands annually, to the board of county commissioners of said county, which report shall be recorded on their records; and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Franklin county.

Sec. 6. That when the seminary fund shall have accumulated sufficiently for the purpose, after furnishing the seminary building of said county, the said trustees may, if they deem it necessary, appropriate such fund to the payment of a teacher or teachers, and necessary assistants so as to reduce the price of tuition, or if practicable,

make the same a free school, or they may, if they think it expedient, loan said seminary funds, or any part thereof, for the use and benefit of said seminary.

This act to take effect and be in force from and after its publication in the "Indiana American," a weekly newspaper published in Franklin county.

CHAPTER XXXV.

AN ACT to incorporate the Leesville Steam Mill Company

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of building and managing a steam mill for grinding, and driving such other machinery as may be attached to said mill, and carrying on the business incident thereto, in the town of Leesville and county of Lawrence, John C. Cavins, William Turpin, Thomas Lemon and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the "Leesville steam mill company," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

Sec. 2. The process against such corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

Sec. 3. The said corporation may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding, using, and conveying any estate, real or personal, as they may deem necessary for the use and security of said corporation.

Sec. 4. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty five dollars each; but it shall be lawful for the said corporation to commence their said business when and so soon as a capital of three thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do from time to time to the amount herein before mentioned.

Sec. 5. The subscriptions to the said stock shall be opened under the direction of John Speer, Thomas Lemon and Joseph Weaver, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, at the town of Leesville as they shall appoint, and the

sum of five dollars at least, shall be paid to the commissioners, previous to the election of directors, on each share.

Sec. 6. The stock, property and concerns of the said corporation shall be managed and conducted by five directors who shall be stockholders [and residents] of the counties of Lawrence and Jackson one of whom to be president, who may respectively hold their offices for one year, and until others shall be chosen and no longer: *Provided*, That the directors first chosen shall hold their offices until the first Monday in June, eighteen hundred and thirty five and until others shall be elected in their stead.

Sec. 7. So soon as the sum of three thousand dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act, shall give notice by written advertisements, posted up at five of the most public places in said counties, for an election of the five directors on such day and at such place in the town of Leesville, as said commissioners or a majority of them shall designate; which notice shall be given at least ten days prior to such election.

Sec. 8. The directors of said corporation shall be chosen annually on the first Monday in June in each year, after the term of the directors first chosen shall have expired, at such place in the town of Leesville, as a majority of the directors for the time being, may prescribe; of which elections notice shall be given at least fourteen days by written advertisements posted up at five of the most public places in said counties.

Sec. 9. The first election herein contemplated shall be held under the inspection of the said commissioners, and all subsequent elections under the inspection of the directors for the time being.

Sec. 10. All elections shall be by ballot, and a majority of votes present allowing one vote for each share shall be necessary to a choice.

Sec. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors, by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

Sec. 12. In case it shall happen at any time that an election of directors should not be made on any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the laws and ordinances of said corporation.

Sec. 13. A majority of the directors for the time being, shall form a board or quorum for the transacting of all the business of said corporation, and shall have power to prescribe and make such by laws rules and regulations not repugnant to the laws and constitution of the United States or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, proper-

ty, estate and effects of the said corporation, the duties and conduct of the officers and men employed therein, the election of directors and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem just.

Sec. 14. It shall be the privilege of the before mentioned stock commissioners and directors to receive such donations for the use and benefit of said corporation as may from time to time be offered.

Sec. 15. The stock of said corporation shall be assignable and transferrable, according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: and may be sold on execution; *Provided*, That no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president; which book shall be at all reasonable hours of transacting business, open to the examination of any of the stockholders or person having any demand against the corporation or any member of it; and in case any officer of the company having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of one hundred dollars, to the benefit of said corporation, recoverable by action of debt in any court of record together with the costs of suit.

Sec. 16. No stockholder shall be allowed to transfer any stock in said corporation, except by the consent of the directors of said corporation.

Sec. 17. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts in which shall be entered all the transactions of said corporation, which books shall be subject at all times to the inspection of any one or more of the stockholders of said company.

Sec. 18. That said stockholders shall each be held responsible, to all creditors for any and all debts and demands against said corporation which shall accrue while he is such stockholder, to all creditors in his individual capacity in proportion to the amount of his stock, on failure of a sufficiency of property belonging to said company, to be recovered by suit in equity or otherwise: *Provided*, That said corporation shall at no one time be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity, but nothing in this section contained shall be so construed as to exempt said corporation or the members thereof in manner aforesaid from being also liable for said excess.

Sec. 19. The directors shall have power to receive, and by due course of law, collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover twenty per centum damages on any instalment of stock which shall not be paid pursuant to the re-

quisition of the board; or the board may in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share forfeited to the use of the company: *Provided*, That notice of such requisition, shall be given by said directors, by written advertisements posted up at five of the most public places in said counties of Lawrence and Jackson, at least thirty days before such instalment may be payable, specifying the amount thereof, and when due, and the consequence of such failure to make payment.

Sec. 20. The corporation hereby created shall not engage in any banking business whatever.

Sec. 21. This charter shall be and is hereby limited to the term of fifty years from and after the first day of June eighteen hundred and thirty five.

Sec. 22. This act shall be, and the same is hereby declared to be a public act, and shall take effect from and after its passage.

CHAPTER XXXVI.

AN ACT to incorporate the town of Levenworth.

(APPROVED FEBRUARY 7, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John L. Smith, Elam Wiley, Zebulon Levenworth, Abraham Edwards, and William K. Reynolds, be, and they are hereby appointed trustees of the town of Levenworth, to serve as such until the first Monday in September, eighteen hundred and thirty-five, and until their successors are elected and qualified as hereinafter directed.

Sec. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board and preserve order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also at said meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

Sec. 3. That the said president and trustees of said town and their successors in office shall be, and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the president and trustees of the town of Levenworth," and by their corporate name shall be able and capable in law and equity to sue and be sued; plead and be impleaded; answer and be answered unto; defend and be defended, in any court of competent

jurisdiction; and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put into execution and effect such by-laws, rules, and ordinances necessary and proper for the benefit and convenience of the citizens of said town; and shall also have power to adopt and put in force such laws, ordinances, and regulations, as they shall deem necessary for the police, good government, and order of said town hereby incorporated, not inconsistent with the constitution and laws of this state or the constitution and laws of the United States.

Sec. 4. On the first Monday in September, one thousand eight hundred and thirty-five, and annually thereafter, there shall be an election held at some convenient place in said town, to elect by ballot five trustees; at which election each white male inhabitant of said town, sane and not a pauper, being a citizen of the United States, and twenty-one years of age and upwards, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of the corporation of said town six months next preceding such election, shall be entitled to vote at said election: twenty days notice of which election shall be given by the president and trustees, by publishing the same in a newspaper printed in said town, (if there be one,) or otherwise by posting notices in three of the most public places in said town.

Sec. 5. The president of the corporation shall act as inspector of elections; he shall call to his assistance two other qualified electors, who with himself shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees between the hours of ten o'clock, A. M. and four o'clock, P. M. on said days: *Provided, however*, That if the president should not be present, the qualified electors shall in that case choose one to act in his place at such election: *And provided also*, That if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office shall so continue until others are elected at an annual meeting of the electors. It shall be the duty of the judges of such election to certify under their hands and seals the names of the five persons who shall have received the highest number of votes; which certificate shall be filed and spread on the record of said corporation by their clerk, whose duty it shall be to deliver a copy of the [same] to each of the five persons returned; which certificate shall be sufficient authority for such person to take his seat as a trustee.

Sec. 6. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duty as trustees, shall elect one of their own body to preside as president at all their meetings; but in case of his absence, a president *pro tem* may be appointed: no person shall be eligible to the office of trustee, unless he be a qualified elector and a freeholder within the bounds of the corporation. When vacancies

happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the president and trustees until the next annual election; a majority of the trustees shall at all times form a quorum; they shall meet on their own adjournment; shall appoint all officers necessary to carry into effect the provisions of this act, and make such compensation for their services as to them shall appear reasonable and proper; and it shall be the duty of the president to sign the records of all their by-laws and journals, or minutes of their proceedings, which shall also be attested by the clerk of the corporation, and after a copy thereof of a public nature attested by the clerk with the seal of the corporation shall have been published in a newspaper printed in said town, if there be one, or posted up in three public places ten days therein, such laws and ordinances shall be deemed to be in force; all others to be in force from and after their passage and signed as aforesaid.

SEC. 7. At the first meeting of the president and trustees after their election in each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor, and marshal, each of whom shall serve one year and until their successors shall be chosen and qualified; they shall possess the same qualifications as trustees, take similar oaths, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any part of the conditions of said bonds, they shall be liable to pay to the president and trustees aforesaid the full amount in arrear, together with full costs and ten per cent. damages thereon, and six per centum per annum on the whole amount recovered, from the time the same should have been paid over until the day of payment; all which may be recovered on motion made before the circuit court, ten days previous notice having been given of such intended motion; and for all which such court is required to give judgment against such officer, unless he show cause satisfactory to the court why judgment should not be rendered against him; and upon which judgment execution may issue, returnable in thirty days from the date thereof, without any stay on the same; or on failure to perform all or any part of the conditions of said bonds, the principals and the securities, or any two or more or either one of them, shall be proceeded against by suit in said court upon his official bond, judgment be had thereupon for the debt, damages, interests, and costs above mentioned, upon which execution shall issue returnable as aforesaid.

SEC. 8. The president and trustees shall have full power and authority to assess and collect a tax on real property not to exceed one-half per cent. on its valuation, exclusive of improvement, on such property or any specific article or articles of personal property, a poll tax on each qualified voter, not exceeding fifty cents each; on all shows, exhibitions, or amusements, which may be exhibited or performed for gain, which, in the opinion of the corporation, are demoralizing to society, or calculated to detract from the peace and good order there-

of; the corporation may in addition to the above tax levy and collect on real property a tax not exceeding one-half per cent. on its valuation, including improvements, for the purpose of purchasing a fire engine; and in assessing and collecting the annual revenue under the direction of the president and trustees, all assessors and collectors shall in all respects be governed by the laws which now are or may be hereafter in force regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return to the precept for the collection of the annual revenue to the president and trustees.

SEC. 9. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he shall be absent, sick, or interested in the same, in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according to the duplicate of the assessment roll; in the service of such process and in the collection of taxes, whether by distress and sale or otherwise, the marshal shall be governed by the same rules and regulations as sheriffs, collectors, and constables are directed to observe in similar cases, and in all cases of distress and sale by the marshal of the real or personal property, on process directed to him by the president for the collection of taxes, such sale shall be as valid in law and equity as if the same had been made by a sheriff, constable, or collector; and all certificates and deeds given for the sale of real estate shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

SEC. 10. The president and trustees shall, when they think it expedient, have power to construct docks, piers, wharves, basins, or harbours; make, graduate, and pave as many streets or roads to the Ohio river, or other streets and alleys, as they may deem proper, within said corporation, for the public benefit and at the public expense; they shall also have power to assess, at any time when necessary, special taxes for the improvement of any street, side walk, or section thereof, which may have been made by their direction pursuant to the regulations hereinafter made for that purpose.

SEC. 11. That whenever the owners of lots on any street or section of street, shall be desirous of making any improvement on the same, by graduating, grading, or paving said street or side walk thereof, or to improve the landing by a wharf or wharves or any other improvements, and two-thirds of the resident owners of lots on said street or section of street, by themselves or agents representing two-thirds of the whole number of feet owned by said resident owners on such street or section of street shall, by petition, represent to the corporation plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the best and most economical manner agreeably to the wish of the petitioners; and [the] expense of such improvement, [shall be] assessed and levied on all the lots fronting on said street

or section of street equally, per foot front, for the distance such improvement may be intended to extend; which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record, with the petitioners names, the number of feet front owned or represented by each, and to make out and deliver to the marshal of the corporation a list of the owners names, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list signed by the president and certified by the clerk, shall be sufficient authority for such marshal to proceed to collect the same; and if the owner or agent of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the marshal shall proceed to collect the same by sale of such lot or fraction, or so much thereof as will pay the amount so levied; and in such sale he shall, in all respects, be governed by the eighth section of this act; and the right of redemption shall be the same as provided in the tenth section of this law: *Provided, however,* That nothing in this section shall prohibit the president and trustees from appointing the days of sale of lots for taxes levied by virtue of this section.

Sec. 12. The president and trustees shall also have power to make and enforce all necessary by-laws, ordinances, and regulations, to preserve order, regulate and establish markets, to procure the necessary engines and apparatus to guard against destruction by fire, organize fire companies, preserve public property, regulate the manner of using docks, piers, walls, basins, harbors, regulate the rate of wharfage and to collect the same, to sink and keep in repair public wells, to prevent the erection of public nuisances, and remove the same and to declare what shall be considered a public nuisance, and for this purpose may extend their jurisdiction one half mile beyond the limits of said town; and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of the said incorporated town.

Sec. 13. The bounds of the corporation shall extend to the limits of the town plat as it now is, or hereafter may be entered on record, in the recorder's office of Crawford county, and to all that territory which lies between front street and the Ohio river, and to the territory in the following bounds, to-wit: commencing at the southwest corner of said town, from thence down the Ohio river to the mouth of the big spring branch, and up said branch to the head thereof, and from the head of said spring to the northwest corner of said town.

Sec. 14. The president shall have [power to] issue, under the seal of the president and trustees, and the marshal to serve, process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have

now or may hereafter have, to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive, and authorised to demand and collect the same fees that are or shall be allowed to justices of the peace and constables for performing similar services; and the president, when officiating as authorised in this section, shall keep a record of his proceedings, which record, or a copy thereof, certified by him with his private seal, duly attested, shall be evidence in any court.

Sec. 15. It shall be the duty of the keeper of the jail of Crawford county to receive into his custody any prisoner or prisoners who may, from time to time, be committed to his charge under the authority of said president, and to safely keep every such prisoner or prisoners according to the warrant or precept of commitment, until, he, she, or they shall be discharged by due course of law.

Sec. 16. The marshal shall be the collector of all the levies of said corporation, of what nature soever; he shall be a peace office, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation, which may come to his knowledge.

Sec. 17. The annual assessors shall, at or before the first meeting of the president and trustees in May, make out a correct roll of the names of all the persons and property (or species thereof,) assessed, arranged in alphabetical order, and deliver the same to said president and trustees, if in session, or to their clerk if in the recess, and said clerk shall, within ten days after such meeting, make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name respectively, and also a precept, in the name of the president and trustees, authorising him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue, are directed to proceed by virtue of precepts issued and directed to them, by the clerk of the circuit court.

Sec. 18. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by less quantity than one quart at a time, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license, obtained from the board of county commissioners, obtain a license from the corporation, who is hereby authorised to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding ten dollars, at the discretion of the corporation; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they so offending, shall upon conviction thereof, upon presentment or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty nor less than five dollars, for the use of the county seminary in said county; and for the better regulation, peace and good government of the town, the corporation is hereby authorised to pass and adopt laws or ordin-

ances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

SEC. 19. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed. This act to be in force from and after its passage.

CHAPTER XXXVII.

AN ACT to incorporate the Olive Branch School society in Tippecanoe county.

(APPROVED FEBRUARY 6, 1835.)

Whereas it is represented to this General Assembly, that certain citizens herein after named of Tippecanoe county, have associated themselves together for the purpose of establishing and keeping up a school, and that said citizens have by voluntary contribution erected a school house and established a school, but that from their local situation they cannot avail themselves of the advantages of the act to incorporate congressional school townships. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Oilar, Philip McCormick, James Emerson, Henry Best, Martin Murphy, Thomas Stanley, John Russel, Robert Alexander, Henry Mercer, Caleb Kee and John Sheets, of Tippecanoe county, and their associates and successors be and they are hereby constituted a body corporate and politic by the name and style of "the Olive Branch school society," and by that name shall have succession for the term of ten years from and after the first day of March next, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in any court having competent jurisdiction.

SEC. 2. The above named Henry Oilar, Philip McCormick and James Emerson shall constitute the first board of trustees of said Olive Branch school society, who shall continue in office one year from the first day of March next and until their successors are elected; on which day or on some day previous (to be fixed by the trustees above named and at such convenient place as they may direct) the said society shall elect three trustees to succeed them, who shall continue in office one year, and until their successors are elected; and said board shall be subject to re-election annually thereafter, and each trustee elected under the provision of this act shall continue in office until his successor is elected.

SEC. 3. The trustees for the time being, shall have power to contract on behalf of said society for any lot of land not exceeding ten acres, on which to erect a school house, and to receive to them and to their successors in office the necessary deed or deeds of convey-

ance of such land for the use and benefit of said society, and for the purpose aforesaid; they may moreover make the necessary contracts for the erection or repairs of a school house; they may employ the necessary teacher or teachers, and in all other respects regulate the economy of said school, always however in subserviency to the by-laws of said society: *Provided*, That said trustees shall not have power to make said society or their corporate property liable for any debt, or contract, without a vote of a majority of said society first authorising them so to do, nor shall they have power to alienate or dispose of any corporate property without like authority, and they may be directed in the employment of a teacher by a similar vote.

SEC. 4. Said society shall hold stated meetings every three months, and special meetings three members concurring in the call of said special meeting and giving reasonable notice. They may enact such by-laws as at any regular meeting may be agreed upon by a majority present, they may elect a clerk, treasurer or other necessary officers, and may admit new members at any regular meeting; any member, by filing with the trustees a notice in writing to be by them laid before the society at their next meeting, may withdraw from the society and cease to be a member, but shall not be entitled to withdraw any funds which he may have advanced for the use of said society without the consent of a majority of all the members of said society.

SEC. 5. The annual election shall be at the first regular meeting after the first day of January in each year and shall be by ballot unless by unanimous consent the meeting shall determine otherwise; a majority of all the votes given shall be necessary to an election, unless a majority shall determine otherwise: *Provided*, That in case of a failure to hold an election as above named, an election may be held at any regular meeting.

SEC. 6. Any member removing his residence more than three miles from the school house of said society shall while so removed, cease to enjoy the immunities, or be subject to the liabilities of said corporation.

SEC. 7. The trustees of said society shall be entitled to draw such proportion of any fund provided, or to be provided by law for the support of common schools, as would have fallen to each member of said society, if he or she had sent to a district school within the district in which he or she may reside, to be applied to the payment of teachers under the same regulations, and in the same proportion, as said moneys are or may be provided by a general law on that subject, and the members of said society while they continue as such shall not be bound to contribute to the erection of any school house, or the support of any school other than such as is contemplated by this act, during the aforementioned term of ten years, any thing in the general laws of this state to the contrary notwithstanding.

SEC. 8. It is hereby declared that the purpose of this act of incorporation to promote the object of education, and the powers hereby conferred upon said society are to be subservient to that object and no other. The incorporation hereby created may be dissolved at any regular meeting by a vote of four fifths of all the members, and in that case an equitable distribution of all the corporate property after the payment of existing debts and liabilities shall be made among all the members thereof.

SEC. 9. This act to take effect and be in force on the first day of March next.

CHAPTER XXXVIII.

AN ACT to amend "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 25, 1824.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Clark at their next or some subsequent session after the publication of this act, to call a meeting of the qualified voters of Clark's Grant, by posting up notices thereof in writing in three of the most public places in the several school districts in said Grant, at least twenty days prior to the time of said meeting, to be held at the usual places of holding township elections in said Grant, for the purpose of electing by ballot, one school commissioner for said Grant, who shall be a freeholder or householder of the same; also to determine by vote whether they will sell or not sell, six and a half sections of land or any part thereof, which was granted to said Grant, for school purposes by an act of congress, approved the 7th day of May, 1822, which election shall be conducted in the same manner, as is directed by law, regulating the election of state and county officers.

SEC. 2. The electors at the election aforesaid who favour a sale of the aforesaid land or lands, shall write upon their ballot for commissioner, "*sale*," and those opposed to such sale shall write upon their ballot "*no sale*," and it shall be the duty of the several clerks of such election to meet on the third day thereafter, at the clerk's office of the Clark circuit court, and compare the several returns of said election and the person receiving the highest number of votes, shall be declared duly elected as such commissioner, who shall hold his office for the term of three years, and until his successor is elected and qualified; said commissioner before entering upon the duties of his office shall give a bond payable to the state of Indiana, for the use of the district schools in Clark's Grant, in the penalty of fourteen thousand dollars, with at least seven freehold securities to be

approved of by the board doing county business of said county of Clark, conditioned for the faithful discharge of the duties of his office, and for paying over to his successor in office, all moneys that may come into his hands by virtue thereof, which shall be filed and recorded in the recorder's office of the county aforesaid; he shall also take an oath for the faithful execution of his duties; said commissioner shall receive all moneys accruing from the sale of school lands donated to Clark's Grant as interest or principal, or all moneys arising to said Grant for school purposes from any source whatever, and shall have full power to do and perform all things that the trustees for the promotion of schools and education in Clark's Grant had power to do.

SEC. 3. Said commissioner shall keep his office at the county seat of the county of Clark, and may appoint one or more deputies removable at pleasure, who shall be authorised to perform any of the duties of said commissioner, who and whose securities shall be responsible for the acts of such deputy or deputies.

SEC. 4. Suit may be brought on said bond in the name of the state of Indiana for the use of the district schools in Clark's Grant, by any person or persons injured by reason of any breach of the same by such commissioner, and further suit or suits may be brought thereon for any other or subsequent breach to the injury of any other person or persons.

SEC. 5. And should a majority of the qualified voters as aforesaid be in favor of selling said land as aforesaid, the clerks of the aforesaid election shall certify the same to the clerk of the Clark Circuit Court at the same time they return the result of the election for the aforesaid commissioner, whose duty it shall be forthwith to certify the same to the commissioner as aforesaid.

SEC. 6. Said commissioner upon receiving the certificate as aforesaid, shall thereupon proceed to the county or counties where such land is situate, and shall, thereupon if he deem it necessary, divide the land or lands so voted to be sold, into such lots as will best suit purchasers, and ensure the best price therefor; he shall also be empowered to take to his assistance two disinterested freeholders of such county where any of such lands shall be situate, and after administering to them an oath or affirmation, as the case may be, which said commissioner is hereby authorised to administer, faithfully and impartially to value said land or lands as aforesaid, they shall forthwith proceed to value and fix a minimum price to each lot below which the same shall not be sold.

SEC. 7. Such minimum price shall in no case be less than one dollar and twenty-five cents per acre.

SEC. 8. Said commissioner shall forthwith record such appraisal of lots and such divisions (if made) at full length in a good and sufficient book procured for that purpose.

SEC. 9. The commissioner shall thereupon proceed to sell such lots separately at public auction to the highest bidder, at such time

as he may think most conducive to the interest of said fund, after having given at least sixty day's notice of the time and place of such sale, by posting up notices thereof in three of the most public places in the township where the land is situate, at the court house door and such other places as he may think proper; also by advertising the same in one of the public newspapers printed at Indianapolis.

Sec. 10. Said commissioner shall hold any sale made by him under the provisions of this act, at the court house in said county where any of said lands may be situate, between the hours of 12 o'clock, M. and 6 P. M., and may adjourn from day to day until the same is completed.

Sec. 11. Should any of said lands remain unsold, after having been offered for sale under the provisions of this act, the commissioner may and he is hereby required to sell the same for the best price that can be had, not to be less than the minimum price thereof so fixed by the commissioner aforesaid.

Sec. 12. Said commissioner shall record every such sale in his book, setting forth the tract sold, when, to whom, and for what amount, and deliver a certified copy thereof, under his hand, to the recorder of the county of Clark, within twenty days thereafter, who shall record the same, and certify a copy thereof to the board doing county business of said county.

Sec. 13. Every purchaser at such sale shall pay at the time thereof to the commissioner one fourth of the principal, and legal interest on the residue for one year in advance.

Sec. 14. Such residue shall be paid by the purchaser, to said commissioner or his successor in office, within ten years from the time of sale, the legal interest on which shall be paid annually in advance.

Sec. 15. Any such failure to pay such interest for any year, or the residue of the principal for sixty days after either becomes due, shall be a forfeiture of the land on which the same shall be so due and unpaid, as well as of any and all previous payments made thereon, and of the contract of sale therefor, to the state of Indiana for the use of the district schools in Clark's Grant.

Sec. 16. If any person shall forfeit any lands sold under the provisions of this act, he shall be liable for any damages he may have committed thereon, by the unnecessary waste or injury of timber or otherwise, to be sued for and recovered in the name of the state of Indiana, for the use of the district schools in Clark's Grant.

Sec. 17. Should there be any such forfeiture, the commissioner shall forthwith proceed to sell the lands so forfeited, subject to the same regulations as is provided for the first sale by the ninth section of this act.

Sec. 18. Said commissioner, on receiving the first payment on any lands sold as aforesaid, shall give the purchaser a certificate of such sale, in substance, as follows "A. B. having on this day of purchased the (Here describe the land so sold.) being part

of the school lands donated by an act of Congress, approved May 7th, 1822, for the use of schools in Clark's Grant, being part of section number (north or south, as the case may be,) in town range number east (or west, as the case may be,) in county of Indiana, for the sum of dollars and cents, of which he has paid dollars and cents, being one fourth part of such purchase money, and one year's interest, in advance, on the residue of the principal, which is dollars and cents, and payable in ten years from this date, together with six per centum interest thereon annually, in advance; and if full payment of said principal and interest be made within ten years from this date, then the said A. B., his assigns or representatives, shall be entitled to a deed in fee simple for said tract, in the name of the inhabitants of Clark's Grant; but on failure to pay said interest for any year, or the residue of said principal for sixty days after either becomes due, the said tract, and all payments therefore made thereon, and this contract of sale shall be forfeited, and revert to said grant for school purposes. Witness my hand and seal this day of 18 .

Commissioner."

Sec. 19. Any person bidding off any tract of land, at any sale made under the provisions of this act, or the act to which this is an amendment, and failing at the time to make the first payment above required, shall be liable to pay ten per centum on the sum so bid, to be recovered by said commissioner in an action of debt, before a justice of the peace or in the circuit court as the case may require, from the amount demanded, in the name of the state of Indiana, for the use of the district schools in Clark's Grant, and the said commissioner, his deputy, or agent, shall be a competent witness in such action.

Sec. 20. Every purchaser of any school lands, under the provisions of this act, holding a certificate of sale therefor as aforesaid, shall have the right of possession thereof, unless he shall forfeit the same as aforesaid, or unless the same be held by a prior unexpired lease, the lessee not consenting thereto.

Sec. 21. Upon full payment of principal and interest for any tract of school land so sold, as herein required, the commissioner shall execute a deed of conveyance therefor to the purchaser, his heirs or assigns, in the name of the inhabitants of Clark's Grant.

Sec. 22. Should such purchase money be paid before the same is due, with all interest then due thereon, such deed may be required forthwith, but no discount shall be made for such prompt payment.

Sec. 23. Such deed, when executed, shall vest in the purchaser, his heirs or assigns forever, all the right, title, and interest of the inhabitants of Clark's Grant in such land.

Sec. 24. No assignment of any certificate for land sold under the provisions of this act, shall be recognized by said commissioner, unless the same be acknowledged before him or some other officer of

this state, duly authorised by law, to take acknowledgements of deeds.

SEC. 25. Said commissioner shall keep a separate account of the fund belonging to the inhabitants of Clark's Grant, and of his transactions in relation to the same, and in keeping said account he shall distinguish such sums as are received as principal and such as interest, also any moneys arising from any source for school purposes in said Grant, he shall distinctly set forth, from what source and what school district in said Grant, such sum or sums were so received.

SEC. 26. Said commissioner shall be entitled to demand, sue for, recover and receive all moneys arising from the sale of all school lands, sold under the provisions of this act, whether interest or principal, and shall annually, at the first session of the board doing county business for the county of Clark, lay an account thereof before the same, specifying from whom, and on what account received, and if loaned, to whom, on what security, for what rate of interest, for how long a term, and the balance due; which report the clerk of said board shall file in his office.

SEC. 27. Any commissioner, acting under the provisions of this act, shall be liable to removal from office, by the board doing county business for the county of Clark, upon failure to give such additional security as said board may at any time require, or upon conviction, by indictment, for any mal-conduct in office, or on account of incapacity to discharge its duties.

SEC. 28. When any vacancy occurs in the office of any commissioner hereafter elected or appointed under the provisions of this act, by death, removal, resignation, expiration of the term of office, or otherwise, the same shall be filled on the first Monday in October thereafter, by the qualified voters of said grant, subject to the same provisions and regulations as is provided in the first section of this act, and in the interim such vacancy shall be filled by a qualified person, to be appointed by the board doing county business for said county of Clark.

SEC. 29. The county treasurer of Clark county may be elected or appointed to the office of school commissioner of said Grant without resigning his office as treasurer, subject to the provisions of this act.

SEC. 30. Said commissioner shall be allowed the sum of two dollars per day, for each and every day he may necessarily be employed as such commissioner, and all necessary expenses, which shall be allowed and paid as is provided by the tenth section of "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 28, 1824.

SEC. 31. It shall be the duty of said commissioner to loan all moneys arising for school purposes under the provisions of this act, as fast as it shall come to his hands, at an interest of not less than six per centum annuum, payable in advance, and for a term not less than one nor

more than three years: said commissioner shall be regulated in loaning and receiving security, and liable to the same forfeitures and penalties as commissioners are by the act incorporating congressional townships and providing for public schools therein, approved February 2, 1833.

SEC. 32. It shall be the duty of the board doing county business for Clark county, at the same time they order the election for commissioner, to direct the sheriff of said county to notify the qualified voters as is prescribed by the first section of this act.

SEC. 33. *And be it further enacted,* That the inhabitants of the several school districts, which districts are hereby denominated school townships, as laid off by the order of the Clark circuit court, under "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 28, 1824. Also by "an act to amend the above act," approved February 7, 1825, and known on the records of said circuit court by numbers one, two, three, four, five, six, or seven, shall each hereafter be and it is hereby constituted and declared a body corporate and politic by the name and style of "the inhabitants of school township number (one, two, three, four, five, six, and seven, as the number may be) of Clark's Grant," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

SEC. 34. It is hereby made the duty of the commissioner acting under the provisions of this act, to call on the clerk or any other person or persons who may have the possession of any books or papers belonging to the board of trustees for the promotion of schools and education in Clark's Grant for said books and papers, whose duty it shall be forthwith upon such application to deliver the same to said commissioner.

SEC. 35. It shall be the duty of the board doing county business in the county of Clark, at the next or some subsequent session after the electing of a school commissioner under the provisions of this act, or so soon as they deem it necessary, to call a meeting of the qualified voters of the several school townships in Clark's Grant, by posting up notices thereof in writing in three of the most public places in each school township, at least twenty days prior to the time of said meeting, to be as near the centre of each school township as may be convenient, for the purpose of electing by ballot three trustees in each such township, who shall be freeholders or householders of the same; they shall also at the same time appoint an inspector for each school township of such elections, enter the same of record, and in due time forward a certified copy of such appointment to each one so appointed.

SEC. 36. Should such inspector so appointed fail to attend at nine o'clock, A. M. on the day of such election, or attending fail to qualify or act as such, then a majority of the voters present shall appoint an inspector in his place. The time and manner of opening, conducting, and closing the elections held under the preceding section,

and the mode of appointing the judges and clerks thereof, and the several duties, penalties, and liabilities appertaining to them and the said voters, severally and collectively, shall be the same as are prescribed by law regulating general elections.

Sec. 37. Said judges and clerks shall, within seven days after such election, certify to the school commissioner of Clark's Grant, under their hands, the number of votes given; also deliver to him a list of voters and tally papers had at such election, to be by him filed in his office.

Sec. 38. Said commissioner shall forthwith enter every such certificate in his record book, and shall thereupon give a certified copy thereof under his hand to each of the three persons entitled to receive the same as aforesaid, specifying therein the term of service of the holder thereof, as is provided for the election of trustees under the "act incorporating congressional townships and providing for public schools therein," approved February 2, 1833.

Sec. 39. Said trustees when so elected as aforesaid, shall be qualified in the same manner, have the same powers, and governed by the same rules and regulations, and be liable to the same penalties and forfeitures, and shall [have] full and complete power and control to draw all school funds belonging to their respective school townships in equal proportion to each school township, whether arising from interest or any other source, to the inhabitants of Clark's Grant for school purposes, and shall be required to do and perform all things in regard to organizing and regulating their district schools, that the trustees have under the "act incorporating congressional townships and providing for public schools therein," approved February 2, 1833: *Provided, however,* That nothing in this section shall be so construed as to give said trustees power or control over said commissioner in relation to the sale or management of the school lands belonging to Clark's Grant.

Sec. 40. It is hereby made the duty of the school commissioner acting under the provisions of this act, upon the application or petition of five qualified voters of any congressional township in Clark county, setting forth that it would be to the interest of such township to have school trustees elected; also to sell any school lands that may remain unsold in such township; upon receiving such notice he shall forthwith give public notice of such application, and order an election to be held in such township; which election shall be conducted in the same manner and under the same restrictions and regulations that are provided for the election of trustees and sale of school lands by the act incorporating congressional townships and providing for public schools therein, approved February 2, 1833.

Sec. 41. Said trustees when so elected shall be qualified in the same manner have the same powers and be governed under the same rules, regulations, and restrictions as are the trustees elected under the "act incorporating congressional townships and providing for public schools therein" approved February 2d, 1833.

Sec. 42. The trustees of any school township acting under the provisions of this act shall so soon as convenient and practicable proceed to divide the same into districts, each of such size and limits as will be most convenient for the support of a common school therein for the use of all its inhabitants.

Sec. 43. Any school district laid off as provided by the preceding section on petition of a majority of its voters may by the township trustees at any time be subdivided or otherwise changed in its size or limits as convenience may require.

Sec. 44. The school districts shall collectively include all the territory in the township and an accurate description of each regularly numbered, shall be recorded by the clerk of the trustees of the school township in his book.

Sec. 45. The qualified voters of each district shall on the first Saturday of October annually elect three district trustees thereof; which election shall be made and conducted as is prescribed by the 137th and 138th sections of the "act incorporating congressional townships, and providing for public schools therein," approved February 2d, 1833.

Sec. 46. The district trustees when elected as provided by the last preceding section shall be qualified in the same manner, hold their office for the same length of time, shall appoint their own clerks and treasurers and shall do and perform any and all things in relation to the management and good government of the district schools, and shall receive the same compensation and be liable to the same forfeitures and penalties as are the treasurers, clerks and trustees acting under the provisions of the laws named act.

Sec. 47. After the inhabitants of any district have completed their school house as is contemplated by this act, and wish to employ a teacher for such district, the district trustees shall employ such teacher under the same regulations and restrictions as trustees are required to employ teachers under the last named act, who shall have the same qualifications and be required to do and perform all the duties for the good government of their schools as are the teachers employed under the "act incorporating congressional townships and providing for public schools therein, approved February 2d, 1833.

Sec. 48. Every teachers employed under the provisions of this act shall be required to keep a daily entry of every person entitled to a distributive share of the school fund sending to such school, annexing to his or her name the number of pupils by him or her sent each day during the year next preceeding the day of distribution of such fund by the township treasurer, with the sum total accurately calculated at the foot thereof.

Sec. 49. Such lists or accounts of pupils sent to school, shall be laid before the treasurer of the school township before the day fixed for distribution of funds, verified, who shall calculate the aggregate amount or number contained in every list presented, counting each pupil's attendance for each day as one.

Sec. 50. The township treasurer shall, within ten days thereafter, make an accurate return to the school commissioner of each aggregate amount of tuition.

Sec. 51. Such commissioner shall thereupon pay over to each township treasurer presenting such list or account of the aggregate amount as aforesaid, so much of the school funds in his hands for distribution, as the amount of the list of such township bears direct proportion to the aggregate calculation of all the lists or accounts so presented by all the treasurers of the school townships.

Sec. 52. The township treasurer shall thereupon pay over to each district treasurer presenting such list or account, so much of such school funds in his hands for distribution among the inhabitants of his township as the aggregate calculation of the list or account of such district treasurer bears direct proportion to the aggregate calculation of all the lists or accounts so presented to such township treasurer, taking a receipt therefor.

Sec. 53. Said treasurer shall record such receipt in his book and file away the same in his office.

Sec. 54. The district treasurer shall distribute the funds received as above, as well as any other district school funds in his hands, in due proportion to such aggregate calculation, as is provided by the last named act for the distribution of school funds.

Sec. 55. It is hereby made the duty of every person or persons acting under the provisions of this act when their duties are not specifically set forth in this act or the act to which this is an amendment, they shall then be governed by the "act incorporating Congressional townships and providing for public schools therein," approved February 2d, 1833, so far as the same may be applicable.

Sec. 56. It shall be lawful for the qualified electors of any Congressional township, after the electing of school trustees as provided by the 40th section of this act to vote for school commissioner of Clark's Grant, under the same regulations and restrictions as are required by the first section of this act.

Sec. 57. It shall be the duty of the school commissioner elected under the authority of this act to ascertain whether lands have been selected for fractional townships in the county of Clark, under the provisions of the act of Congress entitled "an act to appropriate lands for the use of schools in certain townships and fractional townships not before provided for," approved 28th May, 1826; and if no such selections have been made, said commissioner shall request the secretary of the treasury of the United States to cause selections to be made as provided in the aforesaid act.

Sec. 58. Fractional townships in the county of Clark, shall have the same privileges and be governed in the same manner as in this act provided for the management of Congressional townships.

Sec. 59. So much of the aforesaid act of which this is an amendment, as comes within the provisions of and is contravened by the provisions of this act be and the same is hereby repealed.

Sec. 60. This act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to incorporate the town of Newport in Wayne county.

(APPROVED FEBRUARY 7, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Huff, Joel Parker, William Hough, Jediah Bond, and Jacob Hockett be appointed a board of trustees for the town of Newport, a majority of whom shall meet on or before the first Monday in March next, and choose out of their own body a president, and the president and trustees shall hold their offices until the first Monday in April next, and until their successors are chosen and qualified, agreeably to the provisions of this act. The said president and board of trustees, and their successors in office shall be and they are hereby created and made a body corporate and politic by the name and style of the president and board of trustees of the town of Newport, and by that corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, to ordain, order, establish and put into execution such by-laws and rules as they shall deem proper and necessary for the convenience of said corporation, and also adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police and good government of the town hereby incorporated, subject to the restrictions, limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state or of the constitution of the United States.

Sec. 2. The said president and trustees shall have power to lay off the said town into five wards and on the first Monday of April, one thousand eight hundred and thirty five, and annually thereafter there shall be an election held at some convenient place in said town to elect by ballot five trustees at which election each white male inhabitant of said town, who shall have the qualification of a voter for state officers and shall have resided within the bounds of the corporation of said town six months next preceding such election shall be entitled to vote at said election, ten days notice of which elections shall be given by the president and trustees by posting notices thereof in three of the most public places in said town.

Sec. 3. The president of the corporation shall act as inspector of elections, he shall call to his assistance two other qualified electors, who, with himself, shall be judges of the elections; they shall appoint a clerk, and having taken an oath or affirmation faithfully to dis-

charge their duties as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four o'clock P. M., on said days: *Provided however*, That if the president should not be present, the qualified electors shall in that case choose one to act in his place at such election, and provided also that if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved but the trustees then in office shall so continue until others are elected at an annual meeting of the electors. It shall be the duty of the judges of such election to certify under their hands and seals, the names of the five persons who shall have received the highest number of votes, designating therein, the ward they are elected to represent, which certificates shall be filed and spread on the record of said corporation by their clerk, whose duty it shall be to deliver a copy thereof to each of the five persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee.

Sec. 4. The trustees thus elected, or a majority of them shall meet and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duty as trustees, shall elect one of their own body to preside as president at all of their meetings, but in case of his absence a president *pro tem.* may be appointed. No person shall be eligible to the office of trustee, unless he be a qualified elector and a freeholder within the bounds of the corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the president and trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments; shall appoint all officers necessary [to carry] into effect the provisions of this act, and make such compensation for their services as to them shall appear reasonable and proper. And it shall be the duty of the president to sign the records of all their by-laws and journals, or minutes of their proceedings, which shall be attested by the clerk of the corporation and after a copy thereof of a public nature, attested by the clerk with the seal of the corporation, shall have been published, by posting up in three public places, ten days in said town, such laws and ordinances shall be deemed to be in force; all others to be in force from and after their passage, and signed as aforesaid.

Sec. 5. At the first meeting of the president and trustees after their election each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor and marshal, each of whom shall serve one year, and until their successors shall be chosen and qualified, they shall possess the same qualifications as trustees, take similar oaths and give bond and security to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all, or any part of the conditions of said bonds, they shall be liable to pay to the president and trustees aforesaid, the full amount in arrear, together with full cost and ten per cent. damages thereon, and six per cent. per annum, and

the whole amount recovered from the time the same should have been paid over until the day of payment, all which may be recovered on motion made before any court having lawful jurisdiction, ten days previous notice having been given of such intended motion, for all which, such court is required to render judgment against such officer, unless he shall shew cause satisfactory to the court, why judgment should not be rendered against him, and upon which judgment execution may issue, returnable in thirty days from the date thereof, without any stay on the same, or, on failure to perform all or any part of the conditions of said bond, the principals and securities, or any two or more, or either one of them shall be proceeded against by suit, in said court, upon his official bond, judgment to be had thereupon for the debt, damages, interest and cost abovementioned, upon which execution shall issue, returnable as aforesaid.

Sec. 6. The president and trustees shall have full authority to assess and collect from each male inhabitant of said town, of full age, sane, and not a pauper, any sum not exceeding fifty cents in each year as a poll tax, and also a tax on real property, not to exceed one half per cent on its valuation, exclusive of its improvements, and also on all shows, exhibitions or amusements which may be exhibited or performed for gain, a tax of not more than ten dollars, nor less than five dollars for each performance or exhibition thereof; and in assessing [and collecting] the annual revenue, under the direction of the president and trustees, all assessors and collectors shall in all respects be governed by the laws which now are, or may hereafter be in force, regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return to the precept, for the collection of the annual revenue to the president and trustees.

Sec. 7. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he shall be absent, sick or interested in the same; in which case, it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according to the duplicate and assessment roll, in the service of such process, and in all the collection of taxes whether by distress and sale, or otherwise, the marshal shall be governed by the same rules and regulations, as sheriffs, collectors and constables are directed to observe in similar cases; and in all cases of distress and sale by the marshal of the real or personable property on process directed to him by the president, for the collection of taxes, such sale shall be as valid in law and equity as if the same had been made by a sheriff collector or constable, and all certificates and deeds given for the sale of real estate shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

Sec. 8. That whenever the owners of any lots on any street shall be desirous of making any improvement on the same, by graduating, grading or paving said street, or sidewalk thereof, and two thirds of the resident

owners of lots on said street or section of street by themselves or agents representing two thirds of the whole number of feet, owned by resident owners on such street or section of street, shall by petition represent to the corporation plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the best and most economical manner, agreeably to the wish of the petitioners, and the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street equally per foot front, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record, with the petitioners names, the number of feet front owned or represented by each, and to make out and deliver to the marshal of the corporation a list of the owners names, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot which list, signed by the president and certified by the clerk, shall be sufficient authority for said marshal to proceed to collect the same, and if the owner or agent of any lot or part of lot shall neglect or refuse to pay the amount so assessed or levied, within three months after such levy, the marshal shall proceed to collect the same by sale of such lot or fraction, or so much thereof as will pay the amount so levied, and in such sale he shall in all respects be governed by the sixth section of this act, and the right of redemption shall be the same as is provided in the eighth section of this law: *Provided however*, That nothing in this section shall prohibit the president and trustees from appointing the days of sale of lots, for taxes levied by virtue of this section.

Sec. 9. The president and trustees shall also have power to make and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate and establish markets, to procure the necessary engines and apparatus, guard against destruction by fire, organise fire companies, preserve public property, to prevent the erection of public nuisances and remove the same, and to declare what shall be considered a public nuisance, and for this purpose may extend their jurisdiction one half mile beyond the limits of said town.

Sec. 10. The president shall have the same power to issue under the seal of the president and trustees, and the marshal to serve the process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace, or constables have now, or may hereafter have, to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive, and authorised to demand and collect the same fees that are or shall be allowed to justices of the peace and constables for per-

forming similar services, and the president when officiating as authorised in this section shall keep a record of his proceedings which record or a copy thereof, certified by him, with his private seal, duly attested, shall be evidence in any court.

Sec. 11. The marshal shall be the collector of all the levies of said corporation of what nature soever; he shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowledge.

Sec. 12. The annual assessors shall, at or before the first meeting of the president and trustees in April, make out a correct roll of the names of all the persons and property, (or species thereof,) assessed, arranged in alphabetical order and deliver the same to said president and trustees if in session, or to their clerk if in recess, and said clerk shall within ten days after such meeting, make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name respectively, and also a precept in the name of the president and trustees authorising him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue are directed to proceed by virtue of precepts issued and directed to them by the clerk of the circuit court.

Sec. 13. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than a quart at a time, any spirituous liquors foreign or domestic, or keep what is commonly called a tipping shop, unless such person or persons shall in addition to a license obtained from the board of county commissioners obtain a license from the corporation who is hereby authorised to grant the same to such applicant for one year, on his, her or their paying into the treasury of the corporation a sum not exceeding twenty, nor less than five dollars, at the discretion of the corporation, and if any person or persons shall sell any spiritous liquor or keep what is commonly called a tipping house, contrary to the provisions of this act, he, she or they, so offending shall, upon conviction thereof, upon presentment or indictment or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty, nor less than five dollars for the use of the corporation. And for the better regulation, peace and good government of the town, the corporation is hereby authorised to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or what may detract from the peace and good order of society.

Sec. 14. The bounds of the corporation shall be as follows, commencing at the south west corner of lot No. 10, known in the town plat laid out by William Hough, thence North 18 degrees West 110 poles, thence east parallel with said town to the creek, thence with the meanders of said creek until parallel with the south end of said town, thence west to the beginning

This act to take effect and be in force from and after its passage.

CHAPTER XL.

AN ACT granting relief to Asa Smith and others.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Bazil Bentley, Robert Branham, and John Wallace be appointed commissioners to re-assess the damages sustained by Asa Smith, and all other persons through whose land the new location of the Madison and Indianapolis state road, which lies between Westgate's lane and the 13th mile post, runs.

SEC. 2. Said commissioners shall meet at the house of Robert Kinneer, in Lancaster township, on the first Monday in May next, or on some subsequent day in the month of May, as they may agree upon, and after taking an oath faithfully and impartially to discharge their duty, shall proceed to make an assessment of the damages sustained by all persons claiming the same, on the above route, (excepting those who have received the damages assessed by the former commissioners,) and after assessing the same, they shall report the result of their proceedings to the board doing county business for Jefferson county, who shall accept the report and record the same on their records, and at the same time direct payment to be made of the damages so assessed, and one dollar per day to the commissioners, out of the three per cent. fund allotted to said county: *Provided,* That if, upon the return of said commissioners, the county board shall deem the allowance extravagant, they may reject the same, and appoint other commissioners to perform the above named duty, who shall be governed, in all respects, by the provisions of the act entitled "an act for opening and repairing public roads and highways," approved February 10, 1831.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLI.

AN ACT for the relief of William Anderson.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Circuit Court of the county of Scott be, and the same is hereby authorised and required to change the venue in the case now pending in said court, wherein the state of Indiana is plaintiff and William Anderson defendant, on an indictment for larceny, to the

*This act is not signed by the Speaker.

county of Jefferson, or such other court as the presiding judge in vacation, or the court in term time, may direct, upon application of said Anderson, by himself or attorney, and it is hereby made the duty of the Scott Circuit Court, or the president judge thereof in vacation, to recognize the said William Anderson, and the witnesses of the state to appear at the court to which said cause may be sent.

SEC. 2. On such application being made, and change of venue taken, the clerk of Scott Circuit Court is hereby required to forward all the papers connected with the above cause, to the clerk of the county to which such venue may be changed, under the same regulations as are prescribed in an act entitled an act prescribing the mode of changing the venue, (approved January 23, 1834.)

SEC. 3. The Circuit Court of the county to which said change of venue may be taken, shall have full power and authority to hear, try, and determine said cause, and to summon and recognize witnesses, and do and perform all other things necessary and proper for the trial of said cause, in the same manner they could have done had said suit originated in said county.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XLII.

AN ACT for the relief of William McKimm, and to change the name of the town of Newburg in Randolph county, to Spartanburg.

[APPROVED FEBRUARY 7, 1835.]

WHEREAS, it is represented to this General Assembly that William McKimm, of the county of Randolph, did, in the year 1832, lay out a town in said county, which he called Newburg, and that he neglected to record the same within the time specified by law, until the fifth day of February, 1833, being ignorant of the statute in that case made and provided, and that he has, in the year 1834, resurveyed said town, laid out additional lots in said town, and had the same duly recorded in the Recorder's office in the county of Randolph, on the 30th day of October, 1834: Therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the recording of the town plat of said town of Newburg is hereby legalized: *Provided, however,* This act shall not be so construed as to effect, in any way, any *qui tam* or other action that may have been commenced prior to the passage of this act.

SEC. 2. The name of said town of Newburg, in Randolph county, is hereby changed to Spartanburg.

This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

AN ACT for the relief of Moses Strong.

[APPROVED DECEMBER 31, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That Moses Strong, of the county of Union, and state of Indiana, be, and he is hereby restored to all the privileges and franchises belonging to the citizens of this state, and is hereby rendered capable of holding any office of trust, profit, or honor, of voting at all elections, serving as a juror, and rendered capable to give evidence in any court of justice in this state, in as full and ample a manner as other citizens of the state of Indiana.

This act to be in force from and after its passage.

CHAPTER XLIV.

AN ACT for the relief of Jesse Dayer of Monroe county.

[APPROVED JANUARY 31, 1835.]

WHEREAS, it is represented to this General Assembly that Jesse Dayer did, on the third day of October, 1827, become the purchaser of the west half of the south west quarter of section numbered twenty-six, and also, that he did, on the 5th day of May, 1828, become the purchaser of the east half of the south east quarter of section number twenty-seven, of the reserved township of seminary lands in Monroe county, which lands have through some mistake, as it is believed, become forfeited by the said Dayer: Now, therefore, in order to afford relief to said Dayer,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the seminary lands in Monroe county, be, and he is hereby authorized to receive of Jesse Dayer, the holder of the certificate of purchase of said lands, all the interest due on the balance of the purchase money for said tracts of land, from the last payment of interest up to the time the same shall be paid, inclusive, and the said Jesse Dayer shall be, upon the payment of all such interest, with interest on such interest, reinstated to all his rights to said lots of lands, in as full and ample a manner as though said Dayer had made his payments of said interest in conformity with an act "entitled an act concerning the seminary townships of lands in Gibson and Monroe counties," (approved January 25th, 1827,) and no further: *Provided, however,* That no reinstatement of rights as aforesaid, shall take place unless the said Jesse Dayer shall pay to the commissioner aforesaid, all the interest

due and owing upon said lots of lands, with interest on such interest, on or before the first day of July, A. D. 1835.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLV.

AN ACT for the relief of the heirs of Allen Major, late of Shelby county, deceased.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the estate, right, title, claim, and interest which the state of Indiana may have acquired by escheat, in any lands situate in any county in said state, of which Allen Major, late of Shelby county, deceased, died seized, or otherwise possessed, is hereby released to and vested in such persons, being inhabitants of the United States, as would take the same by demise, descent, or in the right of dower, had the said Allen Major been a native citizen of the United States.

SEC. 2. The persons taking under this act, shall take estates of the same nature and extent, as they would have taken if they and the said Allen Major had been native citizens of the United States.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

AN ACT for the benefit of Alexander Lowry.

[APPROVED FEBRUARY 6, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That if Alexander Lowry shall pay one third of what may be due at the time of payment, with costs of suit, on a certain judgment recovered in 1823 or 1829, in favor of the state of Indiana, against him the said Alexander Lowry, John H. Hicks and Hugh Lamaster, for or near the sum of three hundred and eight dollars and forty-three cents, and which was recovered in Scott county in said years, and which judgment was founded on a balance due the said state of Indiana, from him the said John H. Hicks, collector of Scott county for the year 1827, and for whom as such collector, he, the said Alexander and Hugh, and one Joseph Bell were securities, that then no further proceedings shall be had on said judgment against the said Alexander Lowry, or his property; but this shall in no way affect the right of the state to collect the said demand or judgment, after the payment as

aforesaid, from the said John H. Hicks, Hugh Lamaster, and Joseph Bell, but the same right shall exist against them, or either of them, as if this act had not passed.

This act to be in force from and after its passage.

CHAPTER XLVII.

AN ACT for the relief of Jeremiah Johnston of Marion county.

[APPROVED DECEMBER 24, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Marion county be, and he is hereby authorised and directed, to refund to Jeremiah Johnston of said county, the amount of money received on the first sale of the north half of the south east quarter of section sixteen, town fifteen north, of range five east, and which become forfeited for the non-payment of interest.

This act to be in force from and after its passage.

CHAPTER XLVIII.

AN ACT for the relief of John Pefley, a purchaser of school lands in the county of Montgomery.

[APPROVED DECEMBER 20, 1834.]

WHEREAS, John Pefley, a purchaser of the north-east quarter of school section No. 16, in township 17 north, of range 4 west, in the county of Montgomery; and having failed to complete the payments for the same, said land and the payments made thereon thereby became forfeited: therefore, for the relief of the said John Pefley in the premises—

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the said John Pefley shall have the further time, until the first day of June next ensuing, to complete the payment of any of the principal or interest which are now due, and payable on said quarter section; and the commissioner of school lands for the county of Montgomery is hereby authorised to receive the same and reinstate said Pefley in the benefit of his said purchase.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIX.

AN NCT for the relief of Peter Whitesell.

(APPROVED DECEMBER 24, 1834.)

WHEREAS, it is represented to this General Assembly, that William Goodwin purchased of James Parks, school commissioner of Monroe county, on or about the 2d day of November, A. D. 1830, the east half of the south-east quarter of section sixteen, in town nine north, of range one, west, and obtained a certificate of purchase therefor; and whereas, the said certificate of purchase was, by said Goodwin, transferred and assigned, according to law, to one Peter Whitesell, and the said certificate was by him assigned to George H. Johnston, by whom the same was forfeited, and afterwards by him re-assigned to the aforesaid Peter Whitesell: Now therefore, in order to afford relief to said Whitesell,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That Milton Mthetridge, school commissioner of the aforesaid county of Monroe, or his successor in office, be, and he is hereby authorised to receive from Peter Whitesell, the holder of said certificate of purchase for said above named tract of land, all the interest due on the balance of the purchase money for said land from the last payment of interest up to the time the same shall be paid, inclusive; and the said Peter Whitesell shall be, upon the payment of all such interest, with interest on such interest, reinstated in all his rights to said lot of land in as full and ample a manner as though said Johnson, the assignee of said Whitesell, had made his payments of said interest in conformity to the law then existing on said subject, and no further: Provided, however, That no reinstatement of rights as aforesaid, shall take place, unless the said Peter Whitesell shall pay to the commissioner aforesaid, all the interest due and owing upon said lot of land, with interest on such interest, on or before the first day of September, A. D. 1835.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER L.

AN ACT for the relief of John G. Davis, former collector of Parke county, and John G. Kindall of Decatur county.

(APPROVED DECEMBER 31, 1834.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That John G. Davis, former collector in Parke county, be and he is hereby authorised to collect any state or county tax or taxes, for*

the year 1832, (at which time he was collector of said county,) that are yet due and unpaid under the same rules and regulations which he could have done, during the time for which he was collector, and if he shall collect any tax or taxes, for which he shall have obtained a credit, on account of relinquency, he is hereby required to pay such tax or taxes, for which passage have obtained such credit, into the state or county treasury in the same manner which it was his duty to have done during the time he was collector: *Provided*, That in all cases, he shall before he proceeds to collect any such arrearages by distress, give to the person or persons, against whom such claim exists, thirty days notice; and for the abuse of the authority herein given, he shall be liable to the same penalties which he would have been for like abuses of power during the time he was collector.

SEC. 2. *And be it further enacted*, That John G. Kendall collector of the state and county revenue of Decatur county for the year 1832, be, and he is hereby authorised to collect any tax or taxes which are due to him for the year aforesaid, in the same manner and under the same restrictions as is provided in this act for the said John G. Davis.

This act to be in force from and after its publication in the Indiana Democrat.

CHAPTER LI.

AN ACT supplementary to an act entitled "an act for the relief of John G. Davis former collector of Parke county and John G. Kindall of Decatur county," approved December 31st, 1834.

(APPROVED FEBRUARY 6, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That the privileges bestowed by the act to which this is supplementary to the said Davis and Kindall be and they are hereby extended to Austin W. Puett former collector of Parke county for the years 1830 and 1831, under the same restrictions, limitations, duties and penalties as are by said act prescribed for the said Davis and Kindall.

This act to take effect and be in force from and after its passage.

CHAPTER LII.

AN ACT for the benefit of James Smith commissioner of the seminary township of land in Gibson county.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, James Smith has been commissioner aforesaid since the year 1827, and as such has been at much trouble and expense in dividing said land into half quarter sections rating the same into first, second and third rates, making out plats therefor, making sales, drawing certificates of purchase, receipting for partial payments, receiving and receipting for payments of the annual interest, receiving and paying over monies to the treasury, at the distance of one hundred and fifty miles.

And whereas, the best of said lands had been sold before said James Smith was appointed commissioner as aforesaid, and whereas for said labor, trouble, expense and responsibility, said James Smith has been allowed by law, but two per centum upon all monies by him paid over to the state treasurer; Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the treasurer of state be and he is hereby authorised and required to allow the said James Smith in addition to what is now allowed him by law for his services as commissioner aforesaid, one per centum on all monies, which he has heretofore paid or shall hereafter pay into the said treasury of the moneys arising from the sale of said lands: *Provided however*, That said Smith shall be chargeable with interest at the rate of *six per centum per annum* on any sum or sums of money in his hands due or belonging to the college fund, and on any sum which he has paid during this session, to be computed from the period or periods respectively at which he should have paid the same over to the superintendent of the loan office, and said superintendent is hereby required to make settlement with said Smith accordingly.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LIII.

AN ACT for the relief of Benjamin Booe, Martillo Remington and the estate of Barnabas Crosby.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Fayette county be, and he is hereby authorised and directed to receive from Benjamin Booe,

or his heirs or assigns, all interest that may be due, or would have become due on a lot of land purchased by the said Benjamin Roove of the said school commissioner, the same being the south west corner of the south west quarter of the school section No. 16, situated in the township of Harrison, in the county of Fayette, in the same manner in all respects as if no forfeiture had taken place upon the original certificate of purchase; and upon the making of said payment the said Benjamin Roove, his heirs or assigns shall be vested with all the rights to which he was entitled, had said forfeiture not occurred.

Sec. 2. That the school commissioner of Fayette be, and he is hereby authorised and directed to receive from Caleb B. Smith administrator of the estate of Barnabas Crosby, late of Fayette county deceased, all the interest that may be due or would have become due, on a lot of land containing forty acres, being a part of the school section situated in Harrison township, Fayette county, Indiana, purchased by the said Barnabas Crosby, in his life time, in the same manner in all respects as if no forfeiture had taken place upon the original certificate of purchase; and upon the payment of the said interest, the said administrator, the heirs of the said Barnabas Crosby and all other persons interested in the said estate shall be vested with all the rights to which they would have been entitled, had said forfeiture not occurred; and all persons interested in said land shall be reinstated to their rights to the same, in as ample a manner as though said interest had been punctually paid according to law.

Sec. 3. That the school commissioner of Fayette county, be, and he is hereby authorised and directed to receive from Martillo Remington or his heirs or assigns, all interest that may be due or would have become due, on two lots of land purchased by the said Martillo Remington of the said school commissioner, the same being lots No. three and six in the north west quarter of section sixteen, town fourteen and range thirteen east, situated in the township of Waterloo, Fayette county, Indiana, in the same manner in all respects as if no forfeiture had taken place on the original certificate of purchase; and upon the making of said payment, the said Martillo Remington, his heirs or assigns, shall be vested with all the rights to which he was entitled, had said forfeiture not occurred.

This act to be in force from and after its passage.

CHAPTER LIV.

AN ACT for the relief of Nathan Padgett.

(APPROVED JANUARY 29, 1825.)

WHEREAS it is represented that Nathan Padgett became the security of Samuel Vest for the construction of a bridge across Clear creek in Monroe county, under the supervision of George H. Johnson, the commissioner appointed for that purpose; that said Vest, after making some progress in the work, abandoned it, and that the said Padgett thereupon completed the same with some variations from the requisitions contained in the bond given for such construction, but he added thereto some extra work not contemplated by said bond; that said bond was afterwards assigned by the said Vest to the said Padgett; that the said commissioner does not feel himself authorised to receive said bridge as a compliance with the contract; but has paid to the said Padgett the sum of one hundred dollars on said contract, on condition that the same should be refunded, unless sanctioned or legalized by the Legislature: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said payment of one hundred dollars made as aforesaid is hereby legalized; and the said George H. Johnson is further required to pay to the said Nathan Padgett such additional sum of money on said contract as in the sound discretion of the board doing county business for the county of Monroe the said Padgett may be entitled to (if he be so entitled to any further payment), not to exceed however the sum of fifty dollars, and to be so much less than the said sum of fifty dollars, as the said bridge, in the opinion of the board doing county business for the county of Monroe, may be worth less than it would have been, if built according to the requirements of said contract: *Provided however,* That this section shall be in force only on this condition, that the said Padgett shall first deliver to the said commissioner an assignment by the said Vest to the said Padgett of all the interest of said Vest in and to said bond, and shall also execute to the said commissioner his receipt in full of said contract, in which case, the said commissioner shall cancel and deliver up the bond by the said Padgett and others heretofore executed for the refunding of the said sum of one hundred dollars, which last named

CHAPTER LV.

AN ACT for the benefit of the heirs of John H. Farnham, deceased, and for other purposes.

(APPROVED DECEMBER 20, 1834.)

WHEREAS, John H. Farnham, late of the county of Washington, and state of Indiana, deceased, who died in the year eighteen hundred and thirty-three, by his last will and testament, appointed his sister Charlotte Farnham of Boston, in the state of Massachusetts, guardian of his children, Catharine Hay Farnham, and William Sawyer Farnham, minors, and the only lineal heirs of the said John H. Farnham; and whereas, the said Charlotte Farnham has been duly qualified as such guardian, and given bond for the faithful discharge of her duty in the probate court of said county; and whereas it is believed that it would greatly advance the interest and welfare of said children to reside in, and have the avails of their estate transferred to the state of Massachusetts: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That as soon as the said Charlotte Farnham shall be appointed guardian of the said Catharine H. Farnham and William S. Farnham, in the probate court of the [county of Suffolk.] in the state of Massachusetts, or wherever she the said Charlotte Farnham shall reside, and desire to obtain the guardianship aforesaid; and shall give bond as the law in such state and place may require, and the same shall be certified under the seal of such court to the probate court of said Washington county, the clerk of the probate court of said county of Washington is hereby authorised and required to cancel all bonds and obligations entered into in said court by said Charlotte as guardian as aforesaid, and such as she may enter into before the receipt of such certificate, and they are hereby declared to be utterly null and void: *Provided,* That nothing in this act contained shall be so construed as to prevent the said Charlotte from filing and prosecuting any petition for the sale of the real estate of the said children, in any county of this state, or of prosecuting or defending any claim in favor of or against the said heirs or estate, in the same manner as if this act had not passed.

Sec. 2. That on the application of said Charlotte Farnham, as guardian aforesaid, for an order to sell the real estate of said children, she shall not be required to give any bond for that purpose, in addition to the bond entered into in such foreign court or state, and certified to said Washington probate court, as provided for in the first section of this act.

Sec. 3. That the executor or administrator of the estate of the said John H. Farnham, after paying the debts and expenses of said estate, is hereby authorised to pay over to the said guardian all moneys, and to transfer to her all effects of said estate which have or may come to his hands as executor or administrator, and her receipt therefor shall

be good and sufficient vouchers to all intents and purposes, and against all persons whatever.

Sec. 4. The authority hereby given to Charlotte Farnham as guardian as aforesaid, and the provisions of this act shall be extended to her successor or successors in that trust or guardianship as aforesaid.

Sec. 5. This act shall take effect and be in force from and after its passage.

CHAPTER LVI.

AN ACT for the relief of Nathan Harlan, and for other purposes.

(APPROVED JANUARY, 8, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Hannaman, school commissioner in and for the county of Marion, and state of Indiana, and his successor in office, be, and he is hereby authorised and vested with full power and authority, and it is hereby made his duty to receive from Nathan Harlan, of the said county of Marion, his heirs, executors, and administrators, any and all sums of interest and costs, and all other sums of money which were, is, or may hereafter become due on the south half of the west half of the south west quarter of section sixteen, in township fifteen and range five, situate at the said county of Marion; and said commissioner shall receipt therefor, as fully to all intents and purposes, as if the same had been paid when the same became due and payable, and as fully as though the same had never been forfeited for the non-payment of interest thereon, and in receiving the said interest, the said school commissioner shall, in all other respects whatever, be governed by the provisions of an act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 10, 1831.

Sec. 2. That whenever hereafter the said Nathan Harlan his heirs administrators or assigns shall have made full payment to the said commissioner of all sums of interest, together with all damages and costs due and in arrear on said tract of land, he the said Nathan Harlan shall be as fully and as amply, to all intents and purposes whatever, vested with the same rights privileges and immunities as if the same had been paid when the same became due, and payable, agreeably to the provisions of the above recited act: *Provided however,* That if the said tract of land shall be sold before the taking effect of this act, in consequence of the forfeiture thereof, then and in that case, it shall be the duty of the said school commissioner to repay and refund to the said Harlan his heirs and assigns, the

amount of money he may have paid said commissioner for said land on the purchase money thereof.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

AN ACT to incorporate the Spencer Steam Mill Company.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Basil Champer, John Franklin, George Duignan, Isaac Westfall and James M. H. Allison, together with such other persons as may be hereafter associated with them for the purpose of building and managing a steam mill for grinding grain and such other machinery as may be attached to said mill, and to carry on the business incident thereto in or adjoining the town of Spencer and county of Owen, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Spencer steam mill company," and in such corporate name and style, they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of the laws of this state as a body politic and corporate, such as contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure; and they and their successors as a body corporate by the aforesaid name shall be competent and capable of purchasing, holding and conveying any property or estate whatever, real or personal, that may by them be deemed necessary in prosecuting the business aforesaid; and the said corporation as herein described shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. The capital stock of said corporation shall consist of seventy-five thousand dollars, consisting of shares of fifty dollars each; that it shall nevertheless be lawful for said corporation as soon as five thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the capital stock by subscription till it amounts to seventy-five thousand dollars, as the interest or business of the said corporation may require, and the said Basil Champer, John Franklin, George Duignan, Isaac Westfall, and James M. H. Allison, or any three of them, are hereby constituted commissioners and as such are hereby authorised to open books and receive subscriptions at such time or times and places as

a majority of them may agree after the passage of this act, which subscriptions shall be paid at such time or times and in such manner as the board of directors shall order and direct.

SEC. 3. The process against said corporation shall be by summons, which being executed on the president of the board of directors hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 4. So soon as the sum of five thousand dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the second section of this act, shall give notice by written advertisements, posted up at three of the most public places in said county, for an election of directors on such day and at such place in the town of Spencer, as said commissioners or a majority of them shall designate; which notice shall be given at least ten days prior to such election.

SEC. 5. The stock, property and concerns of the said corporation shall be managed and conducted by five directors who shall be stockholders and residents of Owen county, one of whom to be president, who may respectively hold their offices for one year, and until others shall be chosen and no longer: *Provided*, That the directors first chosen shall hold their offices until the first Monday in June, in the year eighteen hundred and thirty six, and until others shall be elected in their stead.

SEC. 6. A majority of the directors shall form a quorum capable to transact the business of said company, and shall at their first meeting proceed to elect one of their number president and in case of a vacancy, they shall have power to fill such vacancy by appointment until the next annual election of said company, and until a successor or successors shall be duly elected and authorised to act, and the said board of directors may enact such by-laws, rules and regulations as they may deem expedient, for the government of said corporation: *Provided*, That they are compatible with the laws and constitution of this state, and the United States. And the said board shall have full power and authority to manage and direct the whole business of said corporation.

SEC. 7. All persons having one share of fifty dollars shall be entitled to vote for directors at any election of said company, and one additional vote for each additional share he or she may own: *Provided*, That no stockholder shall be permitted to vote for any share, on which he or she shall have failed to make payments according to the order of the board of directors.

SEC. 8. The said directors shall have power at any time to receive, and by a due course of law, coerce the collection of any and all subscription to the capital stock of said corporation together with costs of suits, and any tax or damage they may assess for delinquency or refusal to pay their respective instalments when called on by

said directors: *Provided*, such tax shall not exceed ten per cent. on the amount of stock subscribed by such delinquent.

Sec. 9. In case of insolvency of said corporation each stockholder shall be liable to the creditors of said corporation for debts incurred and damages accrued whilst he was such stockholder in proportion to the amount of his stock, by suit in equity. And the creditors may also file such bill against any person or persons indebted to said corporation, and recover any debt due the same, for stock or otherwise and apply the same or any equitable proportion thereof to the payment of their respective claims.

Sec. 10. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may at any time make and prescribe: *Provided*, That no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company, nor till all or any claims which said company may have against said stockholder, shall be liquidated.

Sec. 11. That said directors shall appoint one secretary, and one treasurer, who shall report to said board of directors, at least every six months and as much often as said board may deem proper. Said treasurer shall give bond with such security and in such sum as said board of directors shall from time to time order and direct; and the said secretary shall keep the books of said company in such a manner that at any time they will give a full expose of the whole, standing transactions, and state of the concern, which books shall at all times be open to the inspection of all persons concerned in any respect with said company, either as stockholders or having dealings with, or claims against said corporation, and that said secretary, upon a refusal to display said books on any of the usual hours of doing business, for a whole day together, shall forfeit and pay to the use of the person so refused, any sum not exceeding one hundred dollars to be recovered in an action of debt.

Sec. 12. This corporation shall not in any respect whatever, act or be engaged in any species of banking business, or issuing bills of credit in the form of bank notes.

Sec. 13. This act shall be, and the same is hereby declared to be a public act, for the purposes herein specified.

Sec. 14. If said corporation shall fail to elect directors on the day and at the times within provided, this charter shall not for that cause be forfeited, but said corporation shall at any time thereafter have the power to hold said election at any time by giving notice as provided by the fourth section of this act, and in case of such failure to elect as aforesaid the directors whose term of office would have expired, shall continue in office till their successors are duly elected.

This act to be in force and take effect from and after its passage.

CHAPTER LVIII.

AN ACT for the relief of the securities of Russell Comyn late collector for the county of Dearborn.

(APPROVED JANUARY 29, 1835.)

WHEREAS, judgment hath been rendered against Oliver Heuistis, Benjamin Sylvester, David Tibbets and Oliver Tibbets as securities of Russell Comyn collector of the state and county revenue for the county of Dearborn for the year 1832 for the failure of said Comyn to pay over the county revenue for said year. And whereas it is represented that some considerable portion of the State and county revenue in said county for the year aforesaid yet remains to be collected. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the board doing county business in and for the county aforesaid to appoint one of the said securities as collector of the arrears of taxes aforesaid, and full power and authority is hereby given to the person so appointed to collect and receive the arrears of taxes aforesaid in the same manner that other collectors are authorised to collect and receive taxes.

Sec. 2. This act to be in force from and after its publication in the Indiana Palladium and Rising Sun Times.

CHAPTER LIX.

AN ACT to continue in force an act for the benefit of persons who are likely to suffer by the destruction of records in Spencer county, approved December 27, 1832.

[APPROVED JANUARY 10, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county, passed December 27th, 1833, shall be, and the same is hereby continued in full force until the second Monday in February 1836; and the commissioner therein named is required to hold his terms on the same days and times therein named, in the same manner as if said act was again re-enacted.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER LX.

AN ACT for the benefit of Warrick county.

[APPROVED FEBRUARY 7, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Warrick, are hereby authorised to sell and dispose of the court house in the town of Boonville, for the benefit of said county, and they are hereby authorised to rent and hire any other house in said town to be used as a court house, until they shall have erected one of their own, and the courts of said county shall from time to time use such hired or rented house as may be necessary.

This act to be in force from and after its passage.

CHAPTER LXI.

AN ACT to provide for the expenditure of part of the three per cent fund appropriated to Shelby and Rush counties and for other purposes.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Morris, of the county of Shelby be, and he is hereby appointed a commissioner on the part of the Brookville and Indianapolis state road passing through said county, who shall file his bond and qualify, as is required in the third and fourth sections of "an act to appropriate part of the three per cent. fund, approved January 31, 1833," and shall also so far as the same may be applicable, be governed in all respects, in the receipt and expenditure of any money, which may come into his hands, to be applied in the improvement of said road, whether from the three per cent. fund or otherwise, by the provisions of the act aforesaid.

SEC. 2. That John Woods, of the county of Rush, heretofore appointed a commissioner, to expend a portion of the three per cent. fund on said road in Rush county, be, and he is hereby authorised to receive any subscriptions or donations in work or money to be applied to the improvement of so much of said road as has been assigned to him as such commissioner, in the same manner, and for the same compensation as is required and provided in the act referred to in the first section of this act.

SEC. 3. The board doing county business in the said county of Rush at their next or any subsequent term may appoint some suitable person as commissioner on that part of said road lying in Rush county between Rushville and Brookville who shall give bond payable to

the state of Indiana, with security to be approved by said board in such sum as the board shall direct, conditioned for the faithful performance of his duties as required by law and shall also take an oath for the faithful discharge of his duties as such commissioner.

SEC. 4. It shall be the duty of such commissioners to receive and expend any donations in money or work, which they may respectively collect on subscription or otherwise, on that part of said road for which each of them may be appointed commissioner, in the same manner as the three per cent. fund appropriated by the act referred to in the first section of this act is required and directed to be expended, and shall at each meeting of said board file with the proper board an exact account of all money by them severally received by donation or otherwise, for expenditure on such road, and also an account of their expenditures and improvements thereon, and their vouchers therefor, and also an account of all work received on subscription, and the amount and manner of its expenditure.

SEC. 5. Should such commissioner fail in the performance of any of his duties as such commissioner, the said board shall cause his bond to be put in suit, and any damages recovered of such commissioner shall be applied to the improvement of said road under the superintendence of the successor of such commissioner.

SEC. 6. Should a vacancy occur in the office of any of the commissioners named in this act, it shall be the duty of the board doing county business in the county in which such vacancy may occur, to fill the same by the appointment of some suitable person, who shall give bond, qualify, and be governed in all respects as is required of the commissioners appointed, or required to be appointed by this act.

SEC. 7. The commissioners appointed under the provisions of this act shall receive such compensation as the proper board may deem reasonable the amount and terms of which compensation shall be settled before such commissioner shall enter upon the performance of his duties.

CHAPTER LXII.

AN ACT amendatory of an act entitled "an act to appropriate part of the three per cent. fund, approved January 31, 1833."

[APPROVED DECEMBER 24, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the 41st section of the aforesaid act as provides for the appointment of William Kelsey, commissioner to expend and lay out the amount of moneys appropriated for the completion of the bridge across Salt creek where the state road from Bedford in Lawrence

county, to Bloomington and Indianapolis crosses the same, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the aforesaid commissioner report, and it is hereby made his duty to report to the board doing county business, in the county of Lawrence, the amount of moneys received and appropriated by him as commissioner aforesaid, and to pay over to the aforesaid board doing county business, such balance, if any there be, remaining unappropriated in his hands.

SEC. 3. *Be it further enacted*, That the board doing county business in the county of Lawrence, are hereby authorised to receive from William Kelsey, commissioner of the Salt creek bridge in said county, the amount of moneys unexpended, in his hands, which have been appropriated for the completion of said bridge, and that they cause the said moneys to be speedily appropriated on said bridge, in such manner as to them may seem most fit, and the same to be speedily completed under their supervision and control.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXIII.

AN ACT to amend an act entitled "an act to appropriate a part of the three per cent. fund, approved January 31st, 1833."

(APPROVED DECEMBER 24, 1834.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William L. Talbot be, and he is hereby appointed commissioner to superintend the construction of a bridge across the Walnut fork of Eel river, in the county of Putnam, at such place as may be determined by the board doing county business, at their session on the first Monday of January next: *Provided*, Said board in making such determination, shall be confined to the places mentioned in the thirty-ninth section of the act to which this is an amendment.

SEC. 2. The said commissioner shall take an oath faithfully to discharge the duties herein enjoined upon him, and shall file a bond, to be approved of by the county board, in the sum of two thousand dollars, and shall from time to time, if said board require it, make a report of his proceedings, and said commissioner shall receive such compensation for his services as may be deemed reasonable.

SEC. 3. That the money heretofore appropriated by the thirty-ninth section of the act to which this is an amendment, for the purpose of building a bridge across said Walnut fork, be, and the same is hereby appropriated for the purpose of enabling said commissioner to construct the bridge contemplated by the first section of this act, upon condition the citizens of said county shall subscribe and pay to said commissioner, on or before the first day of May, one thousand

eight hundred and thirty-five, an amount, in addition to the sum herein appropriated, sufficient to enable said commissioner to complete said bridge, and if the citizens of said county should fail to subscribe as aforesaid against the time above mentioned, the money herein appropriated shall be applied by the board doing county business, to other objects of internal improvements in said county.

SEC. 4. If any vacancy shall happen in the office [of] commissioner, it shall be the duty of the board doing [county] business to appoint some suitable person to fill such vacancy, who shall in all respects, be governed by the provisions of this act.

SEC. 5. So much of the thirty-ninth section of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

SEC. 6. This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER LXIV.

AN ACT to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river.

[APPROVED JANUARY 20, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Agent, Treasurer, or other officer having charge of the three per cent. fund, be authorised and required to pay over and deposit in the branch of the state bank located at Indianapolis, the sum of two hundred and fifteen dollars and fourteen cents, to be taken from the money in his hands, appropriated by the act to which this is an amendment, to the county of Spencer, or any act which may appropriate to said county of Spencer for any purpose, moneys arising out of the three per cent. fund, subject to the order of Nathan Rowley, commissioner of the three per cent. fund in Vanderburg county, or his successor in office, to be applied to the building of a bridge across Big-Pigeon, in full of all appropriations heretofore made for that purpose.

SEC. 2. The commissioners heretofore appointed for the purpose of building a bridge across Anderson river, are authorised and empowered, to use and apply all the moneys by them drawn from said agent towards the construction of said last named bridge.

This act to take effect and be in force from and after its passage.

CHAPTER LXV.

AN ACT to appropriate a part of the three per cent. fund in Monroe county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of seventy-five dollars, of that part of the three per cent. fund heretofore or may hereafter be appropriated to the county of Monroe, be, and the same is hereby appropriated to the opening and repairing of that part of the state road leading from Madison to Bloomington, which lies in said county, and that Henry Gabbert [be] the commissioner to lay out and expend said sum of seventy-five dollars to the improvement of said road: *Provided, however,* That in expending said money, the commissioner shall select that part of the road which may seem to require it the most.

SEC. 2. That the commissioner aforesaid shall, before entering upon the discharge of the duties assigned him by this act, enter into bond with security to the acceptance of the board doing county business, in the penal sum of one hundred and fifty dollars, payable to the state of Indiana, and conditioned for the faithful performance of the duties assigned him by this act; and before entering upon the discharge of his duties aforesaid, he shall take an oath faithfully and truly to perform his duties as such commissioner.

SEC. 3. The board doing county business in said county, shall make out an order for the sum of money hereby appropriated, and cause the same to be entered of record; a properly attested copy of which order shall be made out by the clerk and given to said commissioner, which when presented to the commissioner having charge [of] the three per cent. fund for said county, shall be paid to the commissioner herein appointed.

SEC. 4. That the sum of fifty dollars, be, and the same is hereby appropriated out of any moneys of the three per cent. fund belonging to said county by former appropriations, or which may hereafter be appropriated to said county for the purpose of repairing that part of the Bloomington and Indianapolis state road which lies in Monroe county, and that Jacob L. Payne be the commissioner to lay out and expend said money.

SEC. 5. That the commissioner aforesaid shall qualify himself to act in the same manner as is required of the commissioner appointed in the first section of this act, and the money hereby appropriated shall be drawn and expended in the same manner as heretofore required; that the board doing county business shall make a reasonable compensation to each of said commissioners for their respective services in laying out said moneys, to be paid out of the moneys in their hands.

This act to be in force from and after its passage.

CHAPTER LXVI.

AN ACT to amend an act entitled an act to appropriate a part of the three per cent. fund, approved January 31st, 1833.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of thirty-seven dollars and fifty cents, which was by the act to which this is an amendment, appropriated to aid in the completion of the bridge heretofore erected over Buck creek, in the county of Greene, where the Vincennes state road crosses the same, be, and the same is hereby appropriated to the improvement and repair of the bridge over Black creek, where the Vincennes state road crosses the same, and that the commissioner heretofore appointed to expend said money on said bridges, be, and he is hereby authorised and required to lay out and expend said sum to the improvement and repair of said bridge over Black creek in said county of Greene.

SEC. 2. That so much of the 42d section of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repeated.

This act to be in force from and after its passage.

CHAPTER LXVII.

AN ACT to appropriate a part of the three per cent. fund.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of two hundred dollars of that part of the three per cent. fund which has heretofore or may hereafter be appropriated to Monroe county, be, and the same is hereby appropriated to the construction of a good and substantial bridge across Salt creek in said county where the state road leading from Salem in the county of Washington, by the way of Sparks' ferry on White river, crosses the same, at what is commonly called Whissinand's ferry; and that James H. King be appointed the commissioner to contract for the construction of said bridge: *Provided however,* That the board doing county business for Monroe county may at any time before the contract is made for such construction, direct such bridge to be so constructed over said creek at any other point within one mile of said ferry, if the public good require it, taking all circumstances into consideration; in which latter case such commissioner shall construct said bridge at the point so directed by said board, and shall also relocate said state road at and near said bridge, on the nearest and best

route, so as to make it cross the same, paying due regard to private property, and such relocation shall thereupon be a public highway.

SEC. 2. That the commissioner aforesaid shall, before entering upon the discharge of his duties as such, enter into bond, payable to the state of Indiana, in the penal sum of five hundred dollars, conditioned for the faithful performance of his duties as such, and he shall also take an oath or affirmation well and truly to discharge his duties as such commissioners.

SEC. 3. That the commissioner aforesaid shall, after having qualified himself as heretofore prescribed, advertise that he will, on a certain day at the house of John Whissinand in said county of Monroe, proceed to let out the building of said bridge to the lowest responsible bidder for the same; which notice shall be given by publication in the Indiana Gazette and Literature's Advocate, a weekly newspaper printed in said county, and also, by written advertisements posted up at three of the most public places in said county, at least three weeks previous to the time of letting out the building of said bridge; and the commissioner aforesaid shall, on the day appointed for the letting out of the building said bridge, give a minute description of the manner of building the same, and he shall further require the contractor for the same to enter into bond with good and sufficient freehold security to be by him approved, payable to the state of Indiana, in double the amount to be given for the construction of said bridge.

SEC. 4. The commissioner aforesaid shall fix upon some reasonable time within which said bridge shall be completed; he shall also make report of all his proceedings every six months to the board doing county business in said county, and the board doing county business shall allow him a reasonable compensation for his services, to be paid out of the three per cent. fund of said county.

SEC. 5. If any vacancy shall occur in the office of said commissioner, by death, resignation, removal, refusal or failure to comply with the requirements herein named, the board doing county business shall fill such vacancy.

SEC. 6. That there is hereby appropriated out of said fund, seventy-five dollars to the improvement of the navigation of so much of Beanblossom creek as lies between Millikans' and Hights' mills, and that Andrew Wampler be the commissioner to expend said money on said creek, and that he be governed in every particular as the commissioners herein appointed are governed; and that the commissioner of the said fund be compelled to pay over all moneys for appropriations heretofore made, in the order in which they were appropriated, and if any money has been appropriated heretofore and the whole sum so appropriated has not been used or is not required for that particular object, then he shall consider the overplus as surplus funds, and be bound to pay over the same to discharge subsequent appropriations; and if he shall fail so to do the board doing county business shall remove him and appoint another.

SEC. 7. That John Brandon of Jennings county be appointed commissioner to expend one hundred and fifty dollars, money heretofore appropriated to said county, on that part of the Madison and Indianapolis state road that lies between the Jefferson county line and Graham's creek.

SEC. 8. That Harvey Robb of said county be appointed commissioner to expend one hundred and twenty-five dollars on that part of said road that lies between the farm of William Sanford and Samuel Wilson.

SEC. 9. That Thomas McGannon be appointed commissioner to expend seventy-five dollars, on that part of said road that lies between said Graham's creek and the town of Vernon.

SEC. 10. That Adam Keller be appointed commissioner to expend fifty dollars on that part of the Vernon and Fort Wayne state road that lies between said Keller's and Edward Devires.

SEC. 11. The above commissioners shall improve their respective roads by casting up the same in the centre, making a clay turnpike; said commissioners shall give bond and security to the board of county commissioners of said county, for the faithful performance of their duties, and shall settle their accounts with said board at least once in each year.

SEC. 12. The board of county commissioners shall allow and direct the payment of the above sums in the order herein above named, out of any money heretofore appropriated out of the three per cent. fund to said county of Jennings, and shall make such allowance to said commissioners as they may deem reasonable, for labor done or services rendered, not exceeding one dollar per day, for each and every day they may be actually engaged in the service hereby assigned them, to be ascertained on the oath of the commissioner at the time of settling his or their accounts.

SEC. 13. That the treasurer of state or other officer having the charge of the three per cent. fund, be and he is hereby authorised and required to pay over to William Shannon of the county of Henry, one hundred and thirty dollars and sixty-one cents, that being the balance remaining in his hands, which was formerly appropriated to road No. twenty, and which John C. Kibby of Wayne county was entitled to draw and expend on said road, which the said William Shannon is hereby authorised to draw.

SEC. 14. And when the money aforesaid shall be drawn by the said William Shannon he shall pay the same over to Thomas Hobson of Henry county, who is hereby appointed a commissioner to expend the same in the construction of a bridge over Flat rock creek, where the state road leading from Richmond in Wayne county to New Castle in Henry county crosses the same, or in such other improvements on said road as he may deem best calculated to promote the public interest, which improvements shall be made prior to the first day of January one thousand eight hundred and thirty-six.

SEC. 15. Said commissioner shall keep a correct account of the contracts let and the amount of money paid on each, and report the same to the board doing county business in the county of Henry, at their January term in the year one thousand eight hundred and thirty-six. Said commissioner may retain in his own hands a sum sufficient to pay him for his services as required by this act; which shall be such as said board of county commissioners may deem reasonable.

SEC. 16. Any law coming within the purview of this act is hereby repealed.

This act to be in force from and after its passage.

CHAPTER LXVIII.

AN ACT to amend an act entitled an "act to provide for the improvement of the navigation of the Wabash river" Approved February 1, 1834.

(APPROVED FEBRUARY 6, 1835.)

WHEREAS, by the second section of an act entitled "an [act] authorising a distribution of the money now due to road number eight and for other purposes" approved January 26, 1832. It was among other things provided, that the sum of one hundred and four dollars and fifty cents, should be and the same was thereby appropriated out of the money then due said road to the county of Orange, to be applied to the building of a bridge across Lost river on said road; and whereas by misapprehension by an act, approved February 2, 1833, entitled an "act supplemental to an act entitled an act to authorise the building of bridges across Lick creek and Salt creek, approved January 23, 1830, it was among other things provided that the said sum of one hundred and four dollars and fifty cents therein stated to be then due and theretofore appropriated to said road number eight, should be and the same was thereby applied to aid in the building and completion of the bridge over Salt creek in Lawrence county, where said road crosses the same, thereby giving to said county of Lawrence more than her proportionable and equitable share of the three per cent. fund, at the expense of the county of Orange; and whereas it appears that the said sum of one hundred and four dollars and fifty cents, has under the provisions of the above cited act, approved February 2, 1833, been received from the agent of the three per cent fund, to and for the benefit of Lawrence county; Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the officer whose duty it may be hereafter to distribute the three per cent. fund under appropriations made by the General Assembly of the State of Indiana, be and he is hereby authorised and required to pay out of the first funds for distribution to said county of Lawrence under the provisions of the sixteenth section of the act

to which this is an amendment, the said sum of one hundred and four dollars and fifty cents to and for the sole use of the said county of Orange in addition to her distribution made under the provisions of the act, to which this act is an amendment.

SEC. 2. That Edward Millis of the said county of Orange, be, and he is hereby appointed a commissioner, and as such is required and authorised to receive the said sum of one hundred and four dollars and fifty cents, from said officer as aforesaid, and apply the same to building of a bridge across Lost river in the said county of Orange where said road number eight crosses the said river.

This act to be in force from and after its passage and publication in the Indiana Democrat.

CHAPTER LXIX.

AN ACT authorising a suit in behalf of the state against the Wabash Insurance Company.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, it is represented to this General Assembly, that the Wabash Insurance Company has entered into banking business, by issuing bills of credit and other notes as a circulating medium; Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the prosecuting attorney of the seventh judicial circuit of this State, be and he is hereby authorised to institute a suit on the behalf and in the name of the state of Indiana, against the Wabash Insurance Company, in the Knox circuit court, by writ of *quo warranto*, or by information in the nature of a '*quo warranto*' (as he may deem most expedient), to ascertain whether the said Wabash Insurance Company has entered into banking business, by issuing bills of credit or other notes as a circulating medium or both, and (if so) by what warrant the said Wabash Insurance Company has entered into banking business by issuing bills of credit, or other notes as a circulating medium as aforesaid.

SEC. 2. The said prosecuting attorney is hereby authorised and required to prosecute the said suit to final judgment, and to do all other things necessary or expedient for the institution, prosecution and final determination of said suit, and all other things connected therewith, or resulting therefrom, as the fully authorised agent and attorney at law for the state.

SEC. 3. The said prosecuting attorney shall hereafter, on report by him made at any subsequent session of the General Assembly, of his doings in the premises, be allowed a reasonable compensation for his services as required in this act.

SEC. 4. This act is to be deemed a public act, and to take effect and be in force from and after its passage.

CHAPTER LXX.

AN ACT to authorise the President and managers of the New Albany school to sell certain real estate therein named.

(APPROVED JANUARY 26, 1835.)

WHEREAS, it is represented to the General Assembly, by the President and managers of the New Albany school, that they are owners of lots No. 25, 29, and 30, lying on State street, and of lot No. 19, lying on upper first street in New Albany, and owing to the situation of said lots, being in an unimproved state they cannot be rented to advantage, and that a sale thereof would be conducive to the interest of said institution; Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and managers of the New Albany school, be and they are hereby empowered to sell said lots, on such terms, and in such manner, as to them may seem expedient; the proceeds of which sale, shall be added to the permanent fund of said school, subject to the control of the said president and managers. And upon making said sale, the said president and managers, shall make to the purchaser or purchasers, deeds of conveyance for the same, which shall vest in the purchaser or purchasers, all the interest and title, which the said President and managers, in their corporate capacity, have to said lots.

This act to take effect and be in force from and after its passage.

CHAPTER LXXI.

AN ACT supplementary to an act entitled "an act to authorise the president and managers of the New Albany school to sell certain real estate, approved January 26, 1835.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That before any sale shall be made of the real estate or any part thereof mentioned in the act to which this is a supplement, it shall be the duty of the President and managers of the New Albany school to cause an election to be held in the said town of New Albany by giving two weeks successive notice of the time and place where the same shall be held in the New Albany Gazette.

SEC. 2. At said election the voters of the said town of New Albany shall determine whether the said lots shall be sold or not, by writing on their ballots these words "sale" or "no sale" according to the wish of the individual voting.

SEC. 3. Should a majority determine against a sale, then said

lots or parcel of land shall not be sold before the first day of February one thousand eight hundred and thirty six.

This act to take effect and be in force from and after its passage.

CHAPTER LXXII.

AN ACT to authorise the president and directors of the Farmers and Mechanics Bank of Indiana, to collect their debts for a period therein named.

(APPROVED DECEMBER 24, 1834)

Be it enacted by the General Assembly of the State of Indiana, That the president and directors of the Farmers and Mechanics Bank of Indiana, be, and they are hereby vested with power and authority, to proceed in their corporate name in the collection of debts due them, by process of law or in chancery for the period of three years, from and after the first day of January 1835, in the same manner they can or could before this act: *Provided however*, That said corporation shall exercise no other power or authority whatsoever than that authorised by this act.

This act to be in force from and after its passage and be deemed and taken as a public act.

CHAPTER LXXIII.

AN ACT to repeal part of an act entitled "an act to provide for the removal of obstructions to the navigation of Eel river," approved January 4, 1830.

(APPROVED JANUARY 12, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Orson Willard, the commissioner appointed by the above recited act, to receive one hundred and fifty dollars of the three per cent. fund, and to apply the same in the improvement of the navigation of Busseron creek, be empowered and it is hereby made his duty to account and settle with the board of commissioners of Sullivan county, on or before the first day of September eighteen hundred and thirty-five, for the money that he has received as commissioner aforesaid.

SEC. 2. That if said Orson Willard shall fail to settle with the board of commissioners they are hereby vested with power to institute a suit on his bond, and to prosecute the same to final judgment, and to appoint some other person to lay out the money in the improvement of said creek; and that so much of the above recited

act, as comes within the purview of this act, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

AN ACT appropriating certain moneys accruing to the incorporation of the town of Crawfordsville to the purposes of building a market house and improving the streets of said town.

[APPROVED JANUARY 17, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the incorporation of the town of Crawfordsville, in the county of Montgomery, are hereby authorised to appropriate the money accruing and which has accrued to said incorporation according to the provisions of the nineteenth section of an act, entitled "an act providing for the incorporation of towns," approved February 10, 1831, to the purpose of building a market house and improving the streets within the corporate limits of said town, any law to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER LXXV.

AN ACT requiring the county of Cass to pay to the county of Miami the county revenue collected within the county of Miami in the year 1834.

(APPROVED JANUARY 31, 1835.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in and for the county of Cass, be, and they are hereby directed to pay to the treasurer for the county of Miami, all the county revenue which may have been collected by the collector of revenue for the county of Cass, within and for the county of Miami in the year 1834, after deducting the legal per centum for collecting the same; and for the purpose of ascertaining the amount thus collected, the treasurers for the counties of Cass and Miami respectively, shall, in the presence of the board of commissioners for the county of Cass, on the first day of their May session in 1835, examine the tax list returned by the collector aforesaid, for the year 1834, and the amount found to be due to the county of Miami on such examination, shall be paid to the treasurer for the county of Mi-

ami, out of any moneys in the treasury of the county of Cass not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

AN ACT to authorise the clerk of Posey Circuit Court to appoint an assessor.

(APPROVED JANUARY 29, 1835.)

WHEREAS; it is represented that the "board doing county business" for the county of Posey, neglected to meet and hold a term in January of the present year, and that the same neglect took place the last year, by which no assessor for the last nor the present year, has been made for the county of Posey, by which no assessment, except by the clerk, can be made for said county during the present year, in consequence of which the revenue of said county may not be accurately assessed: For remedy whereof,

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That the clerk of Posey county is hereby authorised to appoint an assessor for said county for the present year, who shall enter into the same obligations, and as near as may be, perform the same duties; and the acts which he shall perform as such assessor shall have the same effect as if his appointment had been made at the regular January term of the board doing county business for Posey.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LXXVII.

AN ACT declaring an act therein named in force, and for other purposes.

(APPROVED JANUARY 31, 1834.)

WHEREAS, there was enacted by the General Assembly of the state of Indiana, at the seventeenth session thereof, and duly signed and approved by the Governor, a certain act entitled "an act to authorise the Governor to commence suits in the Dearborn Circuit Court to recover the possession and title to certain lands belonging to the state," which act is in the words and figures following, to wit:

"An act to authorise the Governor to commence suits in the Dearborn Circuit Court, to recover the possession and title to certain lands belonging to the state.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor of this state, be, and he is hereby authorised to employ an attorney or attorneys to institute, in the name of the state or otherwise, a suit or suits on the common law or chancery side of the Dearborn Circuit Court, for the recovery of the possession or title of the north east, north west, and south west quarter of section twenty-five in township six, range one west of meridian, in Dearborn county.

Sec. 2. And the Governor is hereby further empowered, by his agent or attorney, on the part of the state, to take depositions, and make such other preparations for the prosecution and trial of such suit or suits as may be deemed expedient, and may also prosecute a writ of error, or appeal from the decision of such court to the Supreme Court of the state, if thought advisable: *Provided,* The Supreme Court may have original jurisdiction in any such suit or suits in chancery if the presiding judge of the Dearborn Circuit Court is, or may be interested or prejudiced, to be governed by the same restrictions and limitations as are prescribed by the seventh section of the act organizing the Supreme Court and defining its powers and duties, approved January 17, 1831.

Sec. 3. This act to take effect and be in force from and after its passage."

AND WHEREAS, it is represented to this General Assembly, that certain suits have been commenced by the Governor of the state, in the name of the state, in the Dearborn county Circuit Court, to recover lands belonging to the state of Indiana, in pursuance to the aforesaid act, but that the said act cannot be found, that it is not in the secretary's office, nor was the same published with the laws of the said session: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act, of which the above is a copy, is hereby declared to be in force according to the true tenor thereof, and all suits heretofore commenced by the Governor of the state, or any attorney or attorneys by him employed in pursuance thereof, are hereby approved, and declared to have the same effect and validity as though the said act had not been lost, and had been published in print in Dearborn county (and the state at large,) before the commencement of any such suit; and it is moreover hereby declared and enacted, that the above recited act was so enacted and approved as aforesaid, in a case of emergency, and before the commencement of any such suit as aforesaid, and shall operate as a full and complete warrant of attorney on the part of the state, to any attorney or attorneys through whose agency any such suit was commenced.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXVIII.

AN ACT providing for the re-location of the seat of justice in the county of Dearborn and for other purposes.

[APPROVED FEBRUARY 6, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That George Land, Esqr., of Switzerland county, James H. Cravens, Esqr., of Ripley county, William C. Bramwell, Esqr., of Jennings county, Edward Ricketts, of Decatur county and William H. Campbell, of Shelby county, are hereby appointed commissioners to re-locate the seat of justice in the county of Dearborn.

Sec. 2. Said commissioners or a majority of them shall meet at the house of Stephen Wood, in the town of Wilmington in said county, on the second Monday of March next, or at such other time as they may agree upon, and have power to adjourn from time to time, as they may deem necessary. The commissioners after being duly sworn faithfully to discharge the duties enjoined on them by this act, shall proceed to locate said seat of justice for said county, as near the centre thereof, as the situation of the land, and the interest of the county will admit having due regard to the present, and probable future population thereof.

Sec. 3. That the said commissioners shall be, and they are hereby authorised to receive all donations in land, for the site of said seat of justice, and all donations which may be made to defray the expense for erecting the necessary public buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful performance of such contracts.

Sec. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county, who shall make a proper record thereof, and also deposit with the recorder all deeds, bonds or other instruments in writing, which they may have received for the use of said county.

Sec. 5. That the board doing county business for the county of Dearborn, shall at their first meeting, next after the seat of justice shall have been so located and fixed in manner aforesaid, appoint three suitable persons, residents and freeholders of said county as commissioners to superintend the erection of such public buildings for the use of said county, as the county commissioners may designate and direct, which said commissioners when so appointed, shall severally give bond and security, in the sum of five thousand dollars to the treasurer of said county, conditioned for the faithful discharge of their respective duties which bonds shall be made payable to the said county treasurer, for the use of said county; and said treasurer is hereby made the judge of such securities and the said last mentioned commissioners shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect

in their own names, for the use of said county, for the purposes aforesaid.

Sec. 6. The commissioners appointed in the first section of this act, shall receive the same compensation and be paid in the same manner, as is provided in an act entitled an act to establish seats of justice in new counties, approved January 14, 1824, and the said last mentioned commissioners shall receive such compensation as the board doing county business may allow, to be paid out of the treasury of said county.

Sec. 7. So soon as the public buildings shall be completed, in the manner aforesaid at the place so designated, the same shall be forever thereafter the permanent seat of justice of said county of Dearborn, and all the courts of said county, shall thereafter be holden at such new site, and until the completion of such buildings, the circuit and all other courts shall be holden in the town of Lawrenceburgh in said county.

This act shall take effect and be in force from and after its passage.

CHAPTER LXXIX.

AN ACT for the promotion of Schools in, and for the sale of lands belonging to, the Vincennes Donation Tract.

(APPROVED FEBRUARY, 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of that portion of the county of Knox, which is commonly called the Vincennes donation tract, be, and they are hereby constituted a body politic and corporate, by the name and style of "the inhabitants of the Vincennes donation tract," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

SEC. 2. That the qualified voters who are inhabitants of the Vincennes donation tract, shall, as soon as practicable, (in the discretion of the school commissioner of Knox county, who is hereby required to give such notice thereof as he may deem proper,) at such time and at such convenient places within said Vincennes donation tract as he may designate, hold an election for the purpose of determining the question, whether the unsold lands granted, selected, and reserved to or for the use of schools within said Vincennes donation tract, shall be sold or not.

SEC. 3. Every voter at such election favoring such sale, shall signify the same by writing on the ballot used by him in voting the word "sale," and every voter opposing such sale, shall write on his ballot the words "no sale."

SEC. 4. The said commissioner shall appoint an inspector of the

election to be held at each place by him designated as aforesaid, and the election shall be conducted, the judges and clerks thereof appointed, and duties be performed under the provisions of "an act incorporating congressional townships and providing for public schools therein," approved February 2, 1833, for the election of township trustees, so far as the same are applicable and consistent with this act.

SEC. 5. If on a calculation of the votes given at the several places at which such election shall have been held, on the return of the same to the said commissioner, by one of the judges, the clerk or inspector from each place of election, (which shall be done within seven days after such election,) it shall appear that a majority of the voters resident in said Vincennes donation tract, is in favour of such sale, the commissioner shall forthwith record such returns in his book, and shall proceed to divide said lands so voted to be sold, into such lots as he may suppose will best suit purchasers and insure the best price therefor, but not to exceed eighty acres in each lot, and fix the minimum price on each lot or tract of land, not less than one dollar and twenty-five cents per acre.

SEC. 6. After an election results in favour of a sale as aforesaid, the commissioner, (after advertising the same in one or more public newspapers, and giving such other notice as he may deem proper,) shall proceed to sell the said lands in tracts of not more than eighty acres each, at public sale to the highest bidder, at such times and places as he may think proper, but at not less than one dollar and twenty-five cents per acre.

SEC. 7. The same rules, regulations, duties, liabilities, incidents, and provisions, shall govern, and attach to, such lands, sales, deeds, payments, and other proceedings in relation thereto, and to the moneys arising therefrom, and to loans thereof made and secured, and the interest and every other thing arising from or concerning the same, and to the commissioner and all other persons, as are provided in the "act incorporating congressional townships and providing for public schools therein," approved February 2, 1833, in relation to the same subject, matters, and persons connected with, or relating to, a congressional township, or the land belonging to the same, so far as the same are applicable and not inconsistent with this act; and so far as the same are not herein otherwise provided: *Provided, however,* That any forfeiture of lands, or of payments, or contracts for non-payment of interest under the operation of this act as in the sixty-first section of the above-cited act is mentioned, shall enure and accrue to the inhabitants of the Vincennes donation tract, exclusively; —*And provided,* That any suit contemplated by the sixty-second, sixty-fifth, one hundred and third, and one hundred and twenty-sixth sections of the last cited act, which may happen under the operation of this act, shall be instituted in the name of "the inhabitants of the Vincennes donation tract" only; —*And provided further,* That the forms of certificates of sale, deeds, and mortgages, respectively, required under the operation

of this act, may be substantially similar to the forms of such instruments, respectively, in the sixty-fourth, seventieth, and ninety-ninth sections of the before-cited act; except that the words "the inhabitants of the Vincennes donation tract" shall be substituted for the words "congressional township number _____ in _____ county, Indiana," for the word "township," for the words "the inhabitants of congressional township number _____ and also for the words congressional township _____ in range _____ wherever they may occur in either of said forms, with such other variations as may be necessary to correspond therewith.

Sec. 8. Should such election not be held, or should it not result in favour of a sale as aforesaid, the said commissioner may at any time or times subsequently order one or more such elections until an election shall result in favour of such sale, under the same rules and subject to the same regulations and subsequent provisions hereinbefore mentioned.

Sec. 9. The board doing county business of Knox county shall divide that portion of said county known as the "Vincennes donation tract," into divisions as nearly of the size of congressional townships as may be deemed advisable or convenient, each of which shall be called and numbered thus, "School township number _____ of the Vincennes donation tract;" and said board may change the boundaries and number of the same at pleasure, and township trustees shall be elected and appointed for each of said school townships, and their vacancies filled as is provided in the case of the congressional townships by the before cited act.

Sec. 10. The township trustees of each school township shall subdivide the same into a suitable number of school districts, the number, size, and boundaries of any or all of which may be afterwards as in the case of districts in congressional townships as provided in the above cited act, and district trustees shall be elected and appointed, and vacancies in the office of district trustees filled, as is provided in such case by the above cited act.

Sec. 11. The same duties, liabilities, and privileges shall devolve on such township trustees, district trustees, school townships, and school districts, severally and collectively, as is provided in the above cited act in the case of congressional townships, school districts, township trustees, and district trustees, so far as the same are applicable and not inconsistent with this act.

Sec. 12. Teachers of schools in such districts shall keep and deliver to the treasurer of their school township, a correct list of pupils sent to their schools respectively, as is provided in the above cited act, and such treasurer shall, within five days thereafter, deliver a copy thereof to the school commissioner, who shall distribute so much of the interest arising from the moneys belonging to the inhabitants of the Vincennes donation tract in his hands, to each such treasurer, as the aggregate tuition of his school township so returned by him, bears

proportion to the aggregate tuition returned to the commissioner by all the township treasurers, in the said Vincennes donation tract.

Sec. 13. Said commissioner shall keep and manage the funds arising under the operation of this act separate from the moneys arising from lands belonging to the congressional townships within said county, which shall in all respects be managed and the interest thereof distributed, as provided by the above cited act.

Sec. 14. Any deed of conveyance executed by said commissioner of any part of the lands herein authorised to be sold, under the provisions of this act, shall vest in the purchaser, (or his assignee as the case may be,) his heirs and assigns forever, all the right, title, and interest of the inhabitants of the Vincennes donation tract in and to such land, and shall be prima facie evidence of the regularity of such sale and of the proceedings authorising it.

CHAPTER LXXX.

AN ACT to authorise the Hancock Circuit Court to hold a special session.

(APPROVED DECEMBER 20, 1834.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the Hancock circuit court be, and they are hereby authorised, to hold a special session of said court, any time in the month of December, 1834, or in the month of January, 1835, as shall be appointed by the sheriff of said county of Hancock, for the trial of John R. Jones, now confined in the jail of said county, on a charge of larceny.

Sec. 2. It shall be the duty of the sheriff of Hancock county, when he shall appoint and fix upon said day for holding such special term of the Hancock Circuit Court, forthwith to give notice to the accused, to the prosecuting attorney, and to the clerk and judges of said court; and such special session shall be governed in all respects by the laws relative to the practice in circuit courts, and shall adjourn from day to day until the trial is ended; and the clerk shall issue venirens for a grand and petit jury; commanding the sheriff to summon such of the grand and petit jurors belonging to the regular panel of the last Hancock circuit court, as may be convenient, and may supply any deficiencies in either of said panels, by summoning talesmen; and the clerk, judges, and sheriff, and other officers concerned, shall be governed in all other respects by the provisions of "an act providing for called sessions of the circuit court," approved February 12, 1825.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

AN ACT supplemental to an act entitled "an act to authorise the Hancock circuit court to hold a special session," approved December 20, 1334.

[APPROVED JANUARY 8, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of Hancock county, at the special session to be holden under the provisions of the act to which this is supplemental, shall be authorised to empanel a grand jury of the by-standers, and swear and charge the same to inquire of the charges against John Hays, confined in the jail of said county, and upon indictment or presentment to be found against said Hays, the said circuit court may, with the assent of said Hays, cause him said Hays to be tried, and such judgment to give against or in favor of said Hays as the law of the land may warrant, upon the verdict of a petit jury for his trial, to be empaneled and sworn from the by-standers.

SEC. 2. That if either John R. Jones, named in the act to which this is a supplement, or the said John Hays, shall not be ready for trial, and show good cause for continuing the prosecution pending against him, said circuit court shall have the power to continue the same until the next ensuing term thereof.

This act shall be in force from and after the passage thereof.

CHAPTER LXXXII.

AN ACT to authorize Michael E. Israel to build a toll bridge across Hogan creek in Dearborn county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Michael E. Israel, his agent, heirs and assigns be, and they are hereby authorised on the following conditions, and subject to the following restrictions hereinafter specified, to erect at his own expense a toll bridge across the Hogan creek, at or near the mouth of said creek.

SEC. 2. Said bridge shall be at least twenty feet wide, with good and sufficient hand railing on each side, and in all other respects strong and convenient for the safe passage of all travellers, cattle, hogs, and carriages of every description.

SEC. 3. On the erection and completion of the bridge aforesaid the owner, agents or assigns may ask, demand and receive the same rate of toll as is demanded at the ferry established over said Hogan creek at or near the mouth.

SEC. 4. It shall be the duty of the owners of said bridge, agents

and assigns to keep up in some convenient place on said bridge where the toll shall or may be received and collected, a list of the rate of toll allowed to be received, which list shall be printed in large English print, and for neglecting the same over ten days shall forfeit and pay the sum of ten dollars to be recovered before any justice of the peace for the use of the county seminary of Dearborn county.

SEC. 5. If any person or persons shall wilfully impair or injure the said bridge, or cause the same to be injured by digging of the earth on the banks of the creek in the vicinity of the bridge, he, she or they so offending, shall forfeit and pay the sum of ten dollars to be recovered with costs of suit and shall also be liable to pay treble the amount of damages sustained, with costs of suit to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 6. If any person shall forcibly pass the gate without having paid legal toll, he shall forfeit and pay three times the amount of legal toll, to be recovered by an action of debt, before a justice of the peace. That the gate or gates of said bridge be kept open between the hours of 9 o'clock in the evening and six in the morning.

SEC. 7. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs before a justice of the peace to the use of the person so unreasonably delayed or defrauded.

SEC. 8. That the board of county commissioners of Dearborn county shall, upon the application of the said Michael E. Israel, his agent or assigns, appoint five disinterested freeholders whose duty it shall be to examine said bridge, when the same shall have been completed as required in the second section of this act, and shall certify that the said bridge is in every respect completed agreeably to said second section, it shall then be lawful for said Michael E. Israel, his agent, heirs and assigns, to ask, demand and receive toll in the way herein set forth, and to enjoy all the advantages, privileges and emoluments secured to him by this act as long as he shall keep the said bridge in repair.

SEC. 9. It shall be the duty of said Michael E. Israel, his agent, heirs and assigns, so long as they shall receive toll, to keep said bridge in good repair, and in default thereof shall on conviction thereof before any justice of the peace, by action of debt pay any sum not exceeding twenty five dollars, at the discretion of the justice who tries the same, for the use of the county seminary of Dearborn county.

SEC. 10. That no other person shall be authorised after said bridge shall be completed for passengers, to establish any ferry or bridge over said Hogan creek, within the lines of section number thirty two, for and during the time said bridge is kept in repair. Said bridge to be commenced within one year from the passage of this act, and finished within three years, otherwise this charter to be null and void.

Sec. 11. This act to take effect and be in force from and after its passage, and to endure so long as said bridge shall be kept in repair and good condition.

CHAPTER LXXXIII.

AN ACT to repeal part of an act supplemental to an act or acts incorporating the borough of Vincennes, approved January 27, 1834.

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of an act supplemental to an act or acts, approved January twenty seventh, eighteen hundred and thirty four be, and the same is hereby repealed.

Sec. 2. This act to be in force from and after its publication.

CHAPTER LXXXIV.

AN ACT to authorise the sale of certain real estate of Joseph Swank, deceased, by the probate court of Montgomery county, under certain restrictions

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That upon an order judgment or decree of the probate court of Montgomery county authorising or requiring the sale of any part, or all of the real estate of which Joseph Swank, late of said county, died seized, or authorising or requiring the sale of all or any part of any lands of which said decedent at his death had an equitable title, or on which a part of the purchase money had been paid by said decedent at the time of his death, the guardian, administrator or other person or persons so authorised to sell such real estate, may sell the same or any part thereof at private sale, but shall in such case be governed in every other respect as though such sale were made as now in such cases made and provided by law: *Provided, however,* That no part of said real estate shall be sold at private sale at less than the appraised value thereof.

This act to be in force from and after its passage.

CHAPTER LXXXV.

AN ACT to authorise the Clinton circuit court to hold a special session.

(APPROVED DECEMBER 24, 1834.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the Clinton Circuit Court, be, and they are hereby authorised to hold a special term of said court, any time in the month of January, eighteen hundred and thirty-five, as shall be appointed by the sheriff of the county of Clinton, for the trial of George Myers, now confined in the jail of said county, on a charge of larceny: and also, for the trial of David Shoop, Enoch Lewis, Lot Lewis, Clark McBride, and James McBride, on a charge of assault and battery with intent to commit murder, who are also confined in said jail.

Sec. 2. It shall be the duty of the sheriff of Clinton county, when he shall appoint and fix upon said day for holding the special term of said Clinton Circuit Court, forthwith to give notice to the accused, and to the clerk and judges of said court, and prosecuting attorney: and such special session shall be governed in all respects, by the laws relative to the practice in the Circuit Courts, and shall adjourn from day to day, until the trials are ended. And the clerk shall issue venire for a grand and petit jury, commanding the sheriff to summon such of the grand and petit jurors, belonging to the regular panel of the last Clinton Circuit Court, as may be convenient, and may supply any deficiencies in either of said panels, by summoning talesmen; and the clerk, judges, sheriff, and other officers concerned shall be governed in all other respects, by the provisions of "an act providing for called sessions of the Circuit Court," approved February 12, 1825.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXXVI.

AN ACT to authorise the St. Joseph circuit court to hold a special session.

(APPROVED DECEMBER 10, 1834.)

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the judges of the St. Joseph Circuit Court, be, and they are hereby authorised to hold a special term of said court, at any time in the month of January, 1835, as shall be appointed by the sheriff of the county of St. Joseph, for the trial of Alexis Provencile, now confined in the jail of said county, on a charge of larceny and burglary.

SEC. 2. It shall be the duty of the sheriff of St. Joseph county, when he shall appoint and fix upon said day for holding the special term of said St. Joseph Circuit Court, forthwith to give notice to the accused, and to the clerk and judges of said court, and such special session shall be governed in all respects by the laws relative to the practice in the Circuit Court, and shall adjourn from day to day until the trial is ended; and the clerk shall issue a venire for a petit jury, commanding the sheriff to summon such of the petit jurors belonging to the regular panel of the last St. Joseph circuit court as may be convenient, and may supply any deficiencies in said panel, by summoning talesmen; and the clerks, judges, sheriffs, and other officers concerned, shall be governed in all other respects by the law regulating proceedings at regular terms of Circuit Courts.

SEC. 3. The session of said court shall be held at the court house in said county of St. Joseph.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT to give the circuit court of Fayette county jurisdiction in a certain case.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Circuit Court of Fayette county, Indiana, be, and they are hereby authorised to entertain jurisdiction of an application for a divorce by Lucy Graves, without regard to the time the said Lucy may have resided in this state, whenever the said Lucy may make such an application; and the said Circuit Court are hereby authorised at their next March term, or at any subsequent term of said court, to divorce the said Lucy Graves from her husband Balis Graves, if the said court should after an investigation of the case, and an examination of the evidence which may be adduced, be of opinion that the said Balis abandoned the said Lucy with intent of final abandonment, and that it would be right and reasonable to grant the said Lucy a divorce, although she may not have resided in this state one year, and although her said husband may not have abandoned her two years, at the time of the sitting of said court.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER LXXXVIII.

AN ACT to improve the navigation of Eel river in the county of Clay.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business for the county of Clay may, if they deem it expedient, lay off as many districts as they may think proper along Eel river in said county, and appoint a commissioner to each district, and allot all the lands within four miles on each side of said river in said county, to work said river under the direction of said commissioner, as directed by the county board, any length of time not exceeding four days in any one year.

This act to be in force from and after the first day of June 1835.

CHAPTER LXXXIX.

AN ACT to appropriate a part of the three per cent. fund of Perry and Spencer counties.

(APPROVED FEBRUARY 9, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana* That the treasurer or any other officer having charge of the three per cent. fund, be authorised and required to pay to Reuben Bates, John Conner and Warren Duncan the sum of fifty-one dollars and thirty-two cents, to be taken out of any money of said fund which may have been appropriated to Perry county, or which may hereafter be appropriated by law to said county, to be expended by said Bates, Conner and Duncan in the completion of the bridge across Anderson river, at or near Troy in Perry county, in addition to the sum of two hundred and twelve dollars and fifty cents hitherto appropriated by the board doing county business in said county to the above purpose.

SEC. 2. The treasurer or other officer having charge of the three per cent. fund, is hereby authorised and required to pay to said Bates, Conner and Duncan, to be expended on said bridge, the sum of forty-eight dollars and sixty-eight cents, to be deducted from any money of the three per cent. fund which has been by law appropriated to Spencer county, or which may, at any time hereafter, be appropriated to said county, that now is in charge or may hereafter be received by him.

CHAPTER XC.

AN ACT to provide for the appointment of a commissioner to expend the three per cent. fund in the county of Kosciusko.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county of Kosciusko be and is hereby entitled to its proportion of the three per cent. fund in the same manner that it would have been had the said county been organized previous to the passage of an act to provide for the improvement of the navigation of the Wabash river, approved February 1st 1834 and that the board doing county business, in Elkhart county which the said county of Kosciusko is attached to for Judicial and other purposes shall appoint a commissioner to receive and apply the same, who shall be governed in every respect as provided for in an act to appropriate part of the three per cent. fund approved January 31 1833.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCI.

AN ACT to empower the Board of commissioners of Vanderburgh county to convey certain property therein named

[APPROVED FEBRUARY 7, 1835.]

WHEREAS, Jay Morhouse late of Vanderburgh county in his lifetime purchased of Vanderburgh county sundry lots or parcels of land in the donation enlargement of the town of Evansville known and designated on the plat or map as lots numbered 189, 190, 191, 200, 230, and 232 and whereas the real estate of the said Morhouse has been since his death sold in the court of administration for the payment of debts, and the Board of commissioner of Vanderburgh county entertain doubts whether they can execute a deed of conveyance in such case, for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Vanderburgh are hereby authorised, and empowered, by the county agent or some other person for that purpose duly constituted and appointed, to make and execute such deeds as may be necessary to convey to any person or persons who now have an equitable title to said lots or any of them such right, title or interest as the county now has.

CHAPTER XCII.

AN ACT to amend the act entitled an act to provide for draining the swamps, ponds, marshes and other low lands within the counties of Tippecanoe, Montgomery, Clinton and Warren.

(APPROVED FEBRUARY 7, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That any person or persons owning or possessing any swamps, bogs, meadow, pond or other low lands lying in the county of Carroll or White who shall be desirous to drain the same and who shall deem it necessary in order thereto that a ditch or ditches should be opened through land belonging to other persons, in case the owners of any such lands shall refuse to permit the opening of such ditch or ditches through the same, that any such person or persons wishing so to drain his or her land or lands be and the same are hereby entitled to all the provisions of an act entitled an act to provide for draining the swamps, ponds, marshes and other low lands within the counties of Tippecanoe, Montgomery, Clinton and Warren approved February 3d, 1832.

This act to take effect and be in force from and after its publication.

CHAPTER XCIII.

AN ACT to legalize an election in Spencer county held by the voters in congressional township No. 8 south, of Range No. 8 west, to determine whether they should sell the 16 section therein.

(APPROVED JANUARY 31, 1835.)

WHEREAS, "an act incorporating Congressional townships and providing for public schools therein" approved February 2d 1833 provides that on a written petition of five qualified voters of any congressional township to which any unsold lands for the use of schools may then belong that the school commissioner therein or trustee shall give notice that a balloting will be held to determine whether said lands shall be sold or not; and whereas by authority of the above named act the qualified voters of congressional township No. eight south, of Range eight west in Spencer county held an election and determined that the school section therein No. sixteen should be sold, but owing to some misunderstanding the election for that purpose was held upon a day different from the one required by said act; Therefore,

Be it enacted by the General Assembly of the State of Indiana, That said election is hereby made as valid and as legal as if it had been held upon the day required by said act.

CHAPTER XCIV.

AN ACT to provide an additional place of holding elections in Tobin township Perry county

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That an additional place of elections is hereby established in Tobin township Perry county, to be held at the house of Arad Simons sr. on the first Monday of August annually.

SEC. 2. The election or poll authorised by this act shall be governed in all respects by the provisions of the law now in force, regulating general county and township elections.

SEC. 3. The board doing county business in said county are invested with power to designate some other place instead of the one above named for the purpose of holding elections, whenever they deem it expedient, confining it to that immediate vicinity and not to establish it nearer than ten miles of Rome the only place of holding elections in said county.

SEC. 4. It shall be the duty of the Board doing county business in said county, to appoint an inspector of elections to superintend the election to be held at the place above designated whose powers and duties shall be equal with the inspectors of elections in other townships of the county of Perry.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER XCV.

AN ACT to legalize the election of trustees

(APPROVED DECEMBER 24, 1834.)

WHEREAS, it is represented to this General Assembly, that on the ninth day of February in the year one thousand eight hundred and twenty two, that Uriah Glover and Priscilla his wife, did donate and grant a certain lot to the denomination of christians known by the name of "Baptists," and that the aforesaid donors conveyed the same to Andrew Mundal and John Marts in trust and as trustees of the "Lost river Baptist church" in the county of Orange, in pursuance of, and for the purposes contemplated by an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges," approved February 10, 1831, and that since the execution of the aforesaid deed of conveyance, the said "Lost river Baptist church," has chosen three trustees, to wit: Julius Turner, John Freed and Joseph Ponnad: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,*

ana, That the aforesaid deed of conveyance shall have the same force and affect, as if the same had been executed and given according to the provisions of the above recited act.

SEC. 2. That the said Julius Turner, John Freed, and Joseph Ponnad are hereby vested with as full authority to act as trustees of the "Lost river Baptist church" as if they had been elected and qualified according to the foregoing recited act, and the said trustees named in this section are hereby further authorised to take, obtain, and hold possession as said trustees, the aforesaid lot of ground and the meeting house thereon for the use and benefit of the said "Lost river Baptist church" and to do and perform all things necessary for the accomplishment of the duties required of them by law.

This act to take effect and be in force from and after its passage.

CHAPTER XCVI.

AN ACT to incorporate the Philomathean Society.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who now are, or hereafter may become members of the philomathean society in the Wabash college in the county of Montgomery in pursuance of the constitution thereof as now established or as it may hereafter be altered and amended, shall be and hereby are constituted a body corporate and politic in law by the name aforesaid for the cultivation of literature, science, and the arts and for no other purpose whatever, and by that name [shall have perpetual] succession and be capable of suing and being sued, pleading and being impleaded in all courts and places and in all manner of causes, actions and complaints whatsoever, and may have a common seal and change the same at their pleasure, and by that name and style shall be capable of taking and holding by gift or purchase any books, apparatus or other collection for the cultivation of literature, science and the arts.

SEC. 2. That the concerns and the funds of said society shall be managed in conformity with the provisions of the constitution of said society as now established or as hereafter altered or amended.

SEC. 3. The said philomathean society by that, name and style shall be capable of holding, receiving, purchasing and enjoying any goods, chattles or personal estate that may be necessary for carrying into effect the objects of their association and the same at their pleasure to alien and sell, and also to adopt, establish and carry into effect such by-laws and regulations as may be necessary for the management of the society and the same at pleasure to alter or annul, *Provided,* they be not inconsistent with the laws of the state and the power conferred by the charter.

CHAPTER XCVII.

AN ACT to provide for the election of one justice of the peace in the towns therein named.

(APPROVED DECEMBER 20, 1834.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Harrison county, be, and they are hereby authorised at the January term 1835 of said board, or at any term of said board thereafter, to order one justice of the peace to be elected in each or either of the towns of Mauckport, Laconia, Elizabeth, and Lanesville in said county of Harrison, in the same manner they might have done, or could do, if said towns were incorporated: *Provided,* said board shall be of opinion, that such additional justices of the peace are necessary; any law in force to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER XCVIII.

AN ACT to provide for the election of a justice of the peace in the town of Carthage in Putnam county.

(APPROVED JANUARY 26, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for Putnam county, be, and they are hereby authorised, to order one justice of the peace to be elected in the town of Carthage in said county, by the qualified voters of the township in which the town of Carthage is situate, in addition to the number of justices now appointed to said township in the same manner they might have done, or could do, if said town was incorporated. Any law in force to the contrary notwithstanding.

CHAPTER XCIX.

AN ACT to legalize the election of a justice of the peace in the territory attached to the county of Cass.

(APPROVED FEBRUARY 6, 1835.)

WHEREAS, by the eighth section of the act entitled, an act for the formation of the county of Grant, and for attaching certain territory therein named, approved February 10, 1831, all the territory north of the county of Cass and the great Miami reservation, to the line dividing township thirty (30) and thirty one (31) north was attached to

said county of Cass; and the territory west of the line dividing ranges three (3) and four (4) east, was attached to St. Joseph county. *And whereas,* by an act entitled, an act attaching certain territory therein named for judicial and representative purposes, approved, January 30, 1834; the southern boundary of the part attached to the county of St. Joseph was established between the line dividing township thirty two (32) and thirty-three (33) north, without a corresponding extension of the county of Cass. *And whereas,* the board doing county business for the county of Cass, proceeded to lay off the township of Chippeway, under the impression that the boundaries of the said county of Cass had been extended, including township, thirty-one (31) and thirty-two (32) and caused an election to be holden at Chippeway in township thirty-one (31) for one justice of the peace for the said township of Chippeway at which election Ebenezer Ward was duly elected and duly commissioned as such. *And whereas* as the present session of the General Assembly has extended the jurisdiction and boundary of said county of Cass over said townships thirty-one (31) and thirty-two (32) north; Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the election of the said Ebenezer Ward, together with all his acts as justice of the peace be hereby legalised and allowed to have the same validity and effect as though the jurisdiction of said county of Cass, at the time of said order for the election aforesaid, had extended over said townships.

This act to be in force from and after its passage.

CHAPTER C.

AN ACT legalizing the election of the board of trustees of the town of Logansport.

[APPROVED FEBRUARY 7, 1835.]

WHEREAS, doubts have arisen, whether the proceedings of the voters of the town of Logansport, in the county of Cass, incorporating said town, and the subsequent elections of the several boards of trustees for said town, under the provisions of "an act providing for the incorporation of towns," approved February 10, 1831, are strictly legal, and in conformity with said act: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the voters of the town of Logansport, incorporating said town, and the subsequent elections of the several boards of trustees for said town, are hereby legalised.

This act to take effect and be in force from and after its passage.

CHAPTER CI.

AN ACT to vacate the town of New Lexington.

(APPROVED FEBRUARY 6, 1835.)

Be it enacted by the General Assembly of the State of Indiana,
That the town of New Lexington, in Grant county, heretofore laid
off by John Lamb, be, and the same is hereby vacated.

This act to be in force from and after its publication.

CHAPTER CII.

AN ACT to vacate the town of Bairdstown, in Harrison county.

(APPROVED DECEMBER 20, 1834.)

Be it enacted by the General Assembly of the State of Indiana,
That the town of Bairdstown, in Harrison county, be and the same is
hereby vacated.

This act to be in force from and after its passage.

CHAPTER CIII.

AN ACT to vacate the town of North Hampton in the county of Harrison, and Lebanon in Jackson county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,*
That the town of North Hampton, in the county of Harrison, is hereby
vacated, and the streets and alleys in said town, is hereby attached
to the lots or ground bordering on such street or alley, and all right
or title thereto shall vest in the person or persons owning the property
on each side thereof in equal proportion, according to the length
and breadth of such lot or ground as the same may border on such
street or alley: *Provided, however,* That such vacation shall not affect
any owner or owners of any town lot or lots in said town, so as to pre-
vent ingress or egress to and from any town lot, to some public road
or highway.

SEC. 2. That the town of Lebanon in Jackson county, being laid
out by Lawrence Wood, and James Wilson, and John Vawter, each
being proprietor of one entire third part of said town, and the said
parts being severally owned by the proprietors thereof respectively,

situated on and being parts of separate tracts of land: therefore, on
the said Wood and Wilson, and Vawter, any or either of them, their
heirs or assigns, extinguishing all claims to all town title, on his, any,
or either of their part or parts of said town, then such part or parts of
said town on any or either of which said part or parts all the said
town title may be so extinguished, shall, and the same is hereby de-
clared to be vacated, and the lots, streets, and alleys of the part or
parts when the same may become so vacated, shall be restored
to, and be be a part of the original tract or tracts of land on
which the said part or parts of said town respectively were laid
out as aforesaid: *Provided,* That nothing herein shall be so construed
as to vacate any public highway, laid out by lawful authority in said
town.

This act to be in force from and after its publication.

CHAPTER CIV.

AN ACT to vacate a part of the public square in the town of Corydon.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,*
That so much of the public square in the town of Corydon, in
the county of Harrison, as lies west of Market street, be, and the same
is hereby vacated, and vested in the said county, except as hereinafter
excepted.

SEC. 2. That William A. Porter of said county, be, and he is hereby
appointed agent, whose duty it shall be to lay off the said vacated
square into lots of convenient size, with two alleys crossing each other
in the centre thereof at right angles.

SEC. 3. Before entering upon the discharge of his duties, the said
agent shall execute bond with security, to the acceptance of the board
of commissioners of said county, payable to the county treasurer, for
the use of said county, and conditioned for the faithful performance
of the duties enjoined on him by this act.

SEC. 4. Said agent, previous to the sale of said lots, shall cause to
be recorded in the recorder's office of said county, a correct plat
thereof, specifying the size and number of the lots and width of the
alleys, which shall thereafter form part of the plat of said town.

SEC. 5. There is hereby reserved from sale, a lot on the north east
corner of said vacation, to be laid off as the other lots are, but of suf-
ficient size to include the jail and jailor's house of said county: *Pro-
vided, however,* That the board of commissioners of said county may,
whenever they deem it expedient, cause the same to be sold, in the
same manner, and upon the same terms as is by this act provided for
the sale of the other lots of said vacation.

SEC. 6. The said agent, immediately after laying off said vacation into lots as aforesaid, shall expose the same to public sale, except as aforesaid, to the highest bidder, at the court house door in said town, upon a credit of one, two and three years, in equal instalments; the purchaser to execute bond with good security to the acceptance of said agent for the purchase money, payable to the board of commissioners of said county, in their corporate name.

SEC. 7. The said agent shall give at least thirty days' notice of the time, place, and terms of said sale, by written advertisements posted up [in] at least five public places in said county.

SEC. 8. The said agent shall give to the purchaser of any of said lots a certificate of purchase, specifying the lot or lots sold, the amount of the purchase money, when due and payable, and that if payment be made of the said purchase money at the times specified for the payment thereof, the said purchaser, his heirs or representatives, will be entitled to a deed in fee simple for said lot or lots, in the corporate name of the board of commissioners of said county.

SEC. 9. Upon full payment being made of the purchase money of any lot, the said agent, or his successor, shall execute a deed of conveyance thereof to the purchaser, his heirs or assigns, in the corporate name of the board of commissioners of said county.

SEC. 10. Such deed when executed and acknowledged, as in other cases, shall vest in the purchaser or his assignee, his heirs and assigns forever, all the right, title and interest of the said county of Harrison to such lot or lots.

SEC. 11. It shall be the duty of said agent, upon making sale as aforesaid, to make a detailed report of his proceedings to the next succeeding board of commissioners of said county, which report shall be entered upon the records of said board.

SEC. 12. Said agent shall pay into the county treasury the proceeds of said sales as fast as the same may be collected from the purchasers.

SEC. 13. In case any purchaser shall fail to pay any instalment of the purchase money when the same becomes due and payable, the said agent shall cause suit to be instituted therefor against such purchaser and his security.

SEC. 14. Any person owning any lot contiguous to said vacation feeling aggrieved thereby, may within six months after the recording of the plat as herein before provided, make complaint to the board of commissioners of said county, who shall, at their first session after the expiration of the said six months, act upon the same and appoint three disinterested freeholders to assess the damages of each of said complainants.

SEC. 15. The said freeholders, after taking an oath for the faithful discharge of their duty, shall assess to each of said complainants such damages, if any, as they may deem just and equitable, not exceeding in the aggregate, twenty dollars per centum of the full amount of the sales of said lots.

SEC. 16. Said freeholders shall report their decision to the succeeding session of said board, and said board shall order the damages, if any be assessed by said freeholders, to be paid out of the first money paid into the county treasury arising from the sale of said lots.

SEC. 17. The board of commissioners may appropriate the nett proceeds of said sales to the establishment of a county library for said county, or to such other objects of public utility as they may deem most advisable.

SEC. 18. If said agent should refuse to qualify, or should a vacancy in any way happen, the board of commissioners of said county shall appoint some suitable person to fill the same, who shall enter into bond, and be governed in all respects by the provisions of this act.

SEC. 19. The board of commissioners of said county shall make such allowance to said agent for his services, as they may deem just and reasonable.

This act to be in force from and after its passage.

CHAPTER CV.

AN ACT to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes.

(APPROVED FEBRUARY 6, 1835.)

WHEREAS, it has been represented to this General Assembly that a mistake was made in the original record of the plat of the town of Lanesville, as recorded in the recorder's office in the county of Harrison: Forremedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the course of the alleys in the town of Lanesville, Harrison county, shall be north thirty-four and three-fourths degrees west, and south thirty-four and three-fourths degrees east; that Pennington street shall bear north fifty-six degrees east, and south fifty six degrees west; that main street shall bear north fifty-six degrees ten minutes east, and south fifty-six degrees ten minutes west.

SEC. 2. That the aforesaid main street shall be reduced from sixty feet in width to fifty six feet in width, leaving the east sides of lots number one and twenty-six one hundred and sixty-seven feet eight inches, and one hundred and sixty six feet four inches respectively; and the west sides of lots number thirteen and fourteen one hundred and sixty seven feet each.

SEC. 3. It shall be lawful for any proprietor or proprietors of any town lot or lots of said town, to cause the plat of the said town of Lanesville to be recorded in the recorder's office of Harrison county agreeably to the provisions of this act, and said record shall be valid to all intents and purposes the same as though the same had been originally recorded.

CHAPTER CVI.

AN ACT to authorise the President and Trustees of the town of Connersville to lay off a street.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president and trustees of the town of Connersville, in the county of Fayette, be, and they are hereby authorised, at their first or some subsequent meeting after the taking effect of this act, to lay off a street from Madison street, in the said town of Connersville, to intersect the state road leading from Connersville to Rushville; commencing at that point on Madison street where Tanner's street intersects the same, and running thence parallel with market street in a southerly direction until it intersects the said state road from Connersville to Rushville.

SEC. 2. That when said street is laid off, the said president and trustees shall cause the same, with a description of its location, to be designated by an entry on the record of their corporate proceedings; and the said street, from the time the same shall be so laid off by said trustees or a majority of them, shall be taken to be, and forever after remain, for every purpose, as a part of the original plat or plan of said town; and shall be kept open and repaired as other streets in the said town.

SEC. 3. That so much of Madison street in the said town of Connersville as lies west of Tanner's street, be and the same is hereby vacated.

SEC. 4. The ground over which so much of the said Madison street as is hereby vacated passes, shall revert to, and vest in the original grantor of the said ground.

This act to be in force from and after its passage.

CHAPTER CVII.

AN ACT to change the name of Hannah Nash to Hannah Hardin.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Hannah Nash, lately the wife of John J. Nash, be, and the same is hereby changed to that of Hannah Hardin, by which name she shall have right to contract and be contracted with, and to do all other lawful acts and things.

SEC. 2. Nothing in this act contained shall be deemed to impair any existing right or liability of the said Hannah.

CHAPTER CVIII.

AN ACT to change the name of Travis Adcock and others.

[APPROVED JANUARY 22, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the names of Travis Adcock and Elizabeth his wife, and of their infant children Susannah, James, Rachel, Sarah, Archilaus, Thomas, Frazier, David, and Rebecca, all residents of Randolph county, be, and they are hereby changed. And the said Travis and Elizabeth shall hereafter be known by the name of Travis and Elizabeth Emery, and their said children by the names of Susannah, James, Rachel, Sarah, Archilaus, Thomas, Frazier, David, and Rebecca Emery; and the marriage contract heretofore entered into and solemnized between the said Travis and Elizabeth, is hereby made and declared to be as valid to all intents and purposes as if the said Travis had, at the time of his marriage, been known by the name of Emery: *Provided,* That nothing in this act shall be so construed as to impair or in any way affect the rights of any person or persons whatever.

CHAPTER CIX.

AN ACT to establish the name of Jefferson Nelson Redman and his family.

[APPROVED FEBRUARY 7, 1835.]

WHEREAS, it has been represented to this General Assembly, that Jefferson Nelson Redman has been known and called by the name of Jefferson Nelson Evans, Jefferson Nelson Thompson, and Jefferson Nelson Redman, and by said several names has made sundry contracts; having also been married by the name of Jefferson Nelson Thompson, and since that time has bought and sold both real and personal property by the name of Jefferson Nelson Redman: And whereas, it has been represented to this General Assembly, that great inconvenience may arise in consequence of his having been known and called by the said several names: Therefore, for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana, That hereafter the said Jefferson Nelson Redman shall be known and called by that name, and all acts of his heretofore done, and contracts entered into, by either of the aforesaid names of Redman, Evans, or Thompson, be and they are hereby declared to be as legal and valid, as if the said Redman had always been known and called by that name and no other.

This act to take effect and be in force from and after its passage.

CHAPTER CX.

AN ACT to regulate the Marion county Seminary.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the number of trustees of the Marion county seminary shall be increased to ten, who shall be subject to the same duties, and possessed of the same powers and privileges as are given to trustees of county seminaries, in the twelfth and succeeding sections of the "act relating to county seminaries" approved February 4, 1834.

SEC. 2. One half of said trustees shall be appointed by the Marion circuit court for three years and until their successors are appointed and qualified, and the other half of said trustees shall be elected for the same term, by such donors as shall hereafter contribute the following sums, to wit: for twenty dollars paid, each donor shall be entitled to one vote at such election; for fifty dollars, two votes, and for one hundred dollars, three votes: *Provided,* That for donations heretofore made, each donor may give one vote if his donation amounted to forty dollars, and a less sum heretofore contributed, shall be reckoned at half its amount in enabling the donor to acquire a right to vote.

SEC. 3. Previous to any election, all the donors entitled to vote then in the county, shall receive personal notice of the time and place of holding the same: *Provided,* That in case twelve votes are not given at any such election, the same shall not be valid but the whole number of trustees shall be appointed by said circuit court, until such number of votes can be given.

SEC. 4. Where any vacancy shall occur in said board of trustees, by death or otherwise, the remaining trustees shall fill the vacancy until the expiration of the term.

SEC. 5. Said board of trustees may appoint their president and other necessary officers, and when duly organised, may demand and receive of the former board all books: papers, monies and effects, belonging to the Marion county seminary and said board may purchase and hold such lands as shall be needed, erect such buildings, and make such divisions in the arrangement of said institution as shall in their judgment best tend to the improvement of male and female scholars and of such others as are pursuing different branches of instruction.

SEC. 6. Any regular meeting of said trustees, which shall be at least quarterly, a majority of them then in the county shall be a quorum to do business.

This act to be in force after the first of March next.

CHAPTER CXI.

AN ACT to authorise one seminary trustee of Morgan county, to loan certain moneys within his control, to the board doing county business in said county.

[APPROVED DECEMBER 23, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the seminary trustee of the county of Morgan, to lay before the board of commissioners of said county at their next January, or some subsequent session, a detailed statement of all the money belonging to said seminary, together with all notes and other obligations for moneys by him loaned as such trustee, which detailed statement the clerk of said board shall enter on the record book of said board, the time when each note or obligation shall become due, the amount thereof, and the name of the person or persons owing the same.

SEC. 2. It shall be the duty of the trustee aforesaid, as fast as said notes or other obligations become due, to collect the same, and the amount to loan to the commissioners of said county, in their corporate capacity, for the use of said county, at the rate of not less than six per centum per annum, from the date of loaning the same until paid; payable to said seminary trustee for the use of the seminary of said county; said sums of money so loaned as aforesaid, to be repaid to the said seminary trustee or his successor in office, in three years from the first day of the next May term of said board.

SEC. 3. The commissioners of said county, on the receipt of any loan, shall cause the same to be made a matter of record in the record book of their proceedings, stating, in precise words at full length, the precise sum so received, also the particular person or persons from whom the same has been collected and paid over by the trustee aforesaid. And it shall be the duty of the said commissioners to apply said moneys as fast as they may be received, in payment or discharge of any contracts made or entered into, or which may hereafter be made or entered into by them for erecting a court house in the said county of Morgan, or to make any other use of the same, best calculated to pay any debts contracted on behalf of said county.

SEC. 4. The amount of money so borrowed by said commissioners, and recorded as required in the fourth [the third] section of this act, shall constitute a legal obligation on said county of Morgan; and should the said commissioners refuse or fail to pay the same, when it shall become due and payable, according to the provision of this act, to the seminary trustees of said county, then and in that case the said seminary trustees shall have a right to proceed by an action of debt, brought against said commissioners in their corporate capacity, in any court of competent jurisdiction to collect the same, and to introduce the records aforesaid of said board of commissioners as evidence of the obligation and liability created and incurred by this act.

SEC. 5. If the seminary trustee of said county neglect or refuse to comply with the provisions of this act it shall be the duty of the board of commissioners to remove him from office, and appoint a successor.

SEC. 6. It is hereby made the further duty of the seminary trustee of said county, to loan all moneys that may hereafter come into his hands under the same rules and regulations as hereinbefore provided.

SEC. 7. This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER CXII.

AN ACT authorizing the school commissioner of Lawrence county to re-value and sell the west half of the north-east quarter of section 16, in township 6, north of range 1 east.

[APPROVED FEBRUARY 7, 1835.]

WHEREAS, it is represented to the General Assembly of the state of Indiana, that at the valuation of the west half of the north-east quarter of section 16 in town six north, of range one east, made by the trustees of Pleasant run township, in the county of Lawrence the same was valued too high, Therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Lawrence county is hereby authorized to re-value at not less than \$1.25 per acre and sell as early as possible according to law, the west half of the north-east quarter of section sixteen, in town six north, of range one east, in Lawrence county.

This act to take effect and be in force from and after publication in the Indiana Journal.

CHAPTER CXIII.

AN ACT to legalize the proceedings of the board of commissioners of Putnam county.

(APPROVED JANUARY 29, 1835.)

WHEREAS, it has been represented to this General Assembly, that the interests of the inhabitants of the town of Greencastle, Putnam county, have become jeopardized in consequence of a defect in the original survey and plat of said town; and whereas, the board doing county business in said county, did, at their November term, in the year one thousand eight hundred and thirty-four, approve a new survey and plat of said town by them previously ordered: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of the board doing county business in the county of Putnam, in ordering and approving a new survey and plat to be made of the town of Greencastle, county aforesaid, be and the same are hereby legalized: *Provided,* Said survey shall not affect the rights of any person owning property in said town.

SEC. 2. That it shall be the duty of the recorder of said county to record the said survey and plat within two months after the same shall have been filed in his office, after the taking effect of this act.

This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

AN ACT to legalize certain acts therein named.

(APPROVED FEBRUARY 6, 1835.)

WHEREAS, it is represented to the General Assembly of the state of Indiana, that on the 2d day of June, 1832, Samuel Owens, and Jane, his wife, of the county of Lawrence, executed a deed of gift for a part of section twenty-two, in town six north, of range two west, to Alexander Herrin, Joseph Odle, and Martin Owen, trustees for the regular Baptist church, called Spring creek, in the said county of Lawrence, and their successors in office, and whereas, the said trustees have failed to act according to the statute in such cases made and provided: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the acts and proceedings of Alexander Herrin, Joseph Odle, and Martin Owen, trustees of the regular Baptist church, called Spring creek, in the county of Lawrence, are hereby legalized, and shall be taken and held to be as valid as if said trustees had acted, since the execution of said deed of gift, according to the statute in such cases made and provided.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER CXV.

AN ACT to legalize the proceedings of the board of trustees of the county library of Hancock county.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all acts of the board of trustees of the county library of the county of Hancock, shall be taken and considered as legal as if said board of trustees had been elected or appointed as the law directs.

SEC. 2. *Be it further enacted,* That the citizens of the aforesaid county of Hancock, be, and they are hereby authorised and required to proceed and elect trustees, as directed by the act for the incorporation of county libraries, approved February 9, 1831, and be governed in all other respects, by the provisions of said act.

This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

AN ACT to legalize the proceedings of the board of county commissioners of Owen county.

(APPROVED DECEMBER 24, 1834.)

WHEREAS, the General Assembly of the state of Indiana, by an act entitled an act to provide for the election of a justice of the peace in the town of Gosport, in Owen county, and "approved January 6, 1834," authorised the board of county commissioners, at their March term, next after the passage and approval of said act, to order one additional justice of the peace to be elected in the town of Gosport, in Wayne township, in said county, in the same manner they might have done, if said town had been incorporated; and whereas, it has been represented to us, that said election was not ordered till the September term of said board, one thousand eight hundred and thirty-four, and in pursuance of which order one additional justice of the peace was elected, commissioned, and qualified to act as such in said township: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the proceedings of the board of county commissioners of said county, in ordering said election at their September term aforesaid, the election held in pursuance thereof, and all acts and proceedings of the said justice of the peace in pursuance of said election, are hereby legalized, and held to be as valid in every respect as if the said county board had ordered said election at the time and according to the provisions of the above recited act, and shall have the same force and effect.

This act to be in force and take effect from and after its passage.

CHAPTER CXVII.

AN ACT to legalize the sale of a certain school section therein named.

(APPROVED DECEMBER 20, 1834)

Be it enacted by the General Assembly of the State of Indiana, That the sale of the school section sixteen, in township number twenty-one of range nine west in the county of Warren, which has been heretofore made by James M'Allilly school commissioner of said county, be, and the same, is hereby legalized; and all conveyances now made or hereafter to be made by the said commissioner or his successor in office, under said sale, are hereby declared valid to all intents and purposes.

This act to take effect, and be in force from and after its passage.

CHAPTER CXVIII.

AN ACT to curtail the expences on the Michigan road.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the eighteenth section of an act entitled "an act to provide for selling the Michigan road lands &c.," approved February 2, 1832, as authorizes the Michigan road commissioner to expend seven hundred and fifty dollars exclusive of his salary or allowance, in any one year for clerk hire &c. be and the same is hereby repealed.

SEC. 2. The sum of five thousand dollars be, and the same is hereby appropriated out of the Michigan road fund, to be expended by the commissioner of said road in keeping the same in repair.

SEC. 3 That the commissioner of said road shall, between the first day of March and first day of September next, cause such improvements to be made on said road, under the provisions of this act, as, on examination, he may deem most to the public interest, and where improvements are most needed, so as to make the road as [near as] may be in every part equally good from Lake Michigan to the Ohio river; such improvements to be let at public outcry to the lowest bidder, or by private contract, as shall be found best for the public interest.

SEC. 4. That the further time of five months, after the taking effect of this act, be allowed for the completion of all contracts for work on said road heretofore entered into by virtue of "an act for

the further improvement of the Michigan road" approved February 1st 1834.

SEC. 5. That the said commissioner shall on the third Tuesday in September next, offer for sale at public auction, at his office in Chipeway in Fulton county, in half quarter sections to the highest bidder for cash or Michigan road scrip (in hand) all Michigan road lands that have or may be confirmed to the state of Indiana by the United States for the construction of the Michigan road, as have not heretofore been offered at public sale.

SEC. 6. Said commissioner shall give two months notice of the time of such sale, by advertisement in such newspapers in this state, as he may select, also one newspaper printed at Detroit, Michigan territory, and one printed at Cincinnati, Ohio.

SEC. 7. That said commissioner shall be governed in all respects in the performance of the duties enjoined upon him by this act, by the powers and restrictions of "an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes" approved February 2, 1832.

SEC. No tract of land offered for sale under the provisions of this act shall be sold for a less price than three dollars per acre; and should any tract not be sold, it may be afterwards entered at the office of the commissioner at three dollars per acre. All other lands to be entered as at present by the existing laws, at one dollar twenty-five cents per acre.

SEC. 9. That all acts and correspondence of the commissioner with the commissioner of the U. States Land office, respecting the surrender of sections 18 and 29, and fractional section 32 in township 37 north range 1 east, and selecting other lands in lieu of these sections, and selecting other sections to complete the entire road grant, is hereby approved of; and said commissioner is hereby authorised to further correspond with the U. S. Land office, respecting said selections, and prosecute the same, until they are finally approved of, and set apart by the commissioner of the General Land office, to the state of Indiana.

SEC. 10. That all expenses paid by the commissioner in the selection of these lands, that have been paid, are hereby legalized.

SEC. 11. This act to take effect and be in force from and after its publication in the Indiana Journal and Indiana Democrat.

CHAPTER CXIX.

AN ACT to locate a state road from Decatur county to the National Road in Henry county.

(APPROVED JANUARY 17, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Curry of the county of Rush, William Russell of the county of Fayette, and James Hobbs of the county of Decatur, be, and they are hereby appointed commissioners to view, mark and locate a state road, to commence at or near the widow Darnold's on the state road leading from Jehu Perkins', in Rush county, to Napoleon in Ripley county; thence the nearest and best way to the south-east corner of Rush county; thence north with the east line of said county to the north-east corner of said county; thence the nearest and best way to the National road in Henry county.

SEC. 2. Said commissioners shall meet at the town of Danville, in the county of Fayette, on the first Monday of June next, or on some subsequent day, and after having taken an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road, and shall, within thirty days after the location of said road, cause a report thereof to be filed in each of the clerk's offices in the counties of Henry, Rush, Fayette and Decatur; and it shall be the duty of the clerks of said counties to record said report in the record book of the board doing county business, within ten days after the filing of the same.

SEC. 3. It shall be the duty of the boards doing county business in said counties at their first meeting after the filing of said report, to cause said road to be opened any width not exceeding forty feet, in the same way that now is or hereafter may be provided by law for opening and keeping in repair public roads and highways.

SEC. 4. Should any vacancy happen by the death, resignation or failure to qualify of any of said commissioners, the board doing county business where such vacancy may happen, shall appoint some suitable person to fill the vacancy, who shall take the same oath and perform the same duties required of those appointed by this act.

SEC. 5. It is hereby made the duty of the boards doing county business, in the counties of Rush, Henry, Fayette and Decatur to allow the said commissioners one dollar and twenty-five cents, each, per day, for their services; which sums shall be paid out of the county treasuries of the said counties, in proportion to the length of said road in each county.

CHAPTER CXX.

AN ACT to locate a State road from Leavenworth town in Crawford county to Salem in Washington county.

(APPROVED JANUARY 8, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Zebulon Leavenworth of the county of Crawford; and John L. Davis of the county of Harrison and Ransom Johnston of the county of Washington, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Leavenworth town in the county of Crawford, on the nearest and best ground by the way of Samuel J. Haggans' mill and Andrew Beck's mill to Salem in the county of Washington.

SEC. 2. Said commissioners to meet at Leavenworth town in the county of Crawford on the first Monday in April next, or some subsequent day thereafter, and commence and enter upon the duties required of them by this act.

SEC. 3. The said commissioners to be governed in all respects by an act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February 1, 1834.

This act to take effect and be in force from and after its publication in the Indiana Democrat and Journal.

CHAPTER CXXI.

AN ACT to locate a State road from south Bend to Huntington on the Wabash.

(APPROVED DECEMBER 24, 1834)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hiram Dayton and Tyra W. Bray of the county of St. Joseph, be, and they are hereby appointed commissioners to locate a state road commencing at the town of South Bend at St. Joseph street, thence south through the town plat to the corner of lands owned by Samuel Studybaker, Joseph, B. Love, Alexis Coquillard, Samuel Hanna and Hiram Dayton, thence south, one mile, thence in a south-eastward direction, on the most suitable ground, to the Turkey creek prairie; thence on the most suitable ground to the county seat of Huntington county and intersecting the Erie and Wabash canal.

SEC. 2. That said commissioners or either of them, on the first Monday of June next or any subsequent day they may determine on after taking an oath faithfully to discharge the duties assigned them, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners shall be governed in all other respects, (not inconsistent with the above provisions) by the act de-

fining the duties of commissioners appointed to locate state roads approved February 1, 1834.

SEC. 4. This act to be in force from and after its publication.

CHAPTER CXXII.

AN ACT to locate a State road in Switzerland county.

(APPROVED DECEMBER 20, 1834)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Bradley, John Miller and John Dickerson be and they are hereby appointed commissioners to view mark and locate a state road to commence at the Ohio river at low water mark, on the land now or formerly owned by Samuel M'Cormick, at the place formerly occupied as a wood yard; thence up a dug way ascending the river hill to the corner of David M'Cormicks and Tobias Bradley's lands, thence to the house of George Mackland, thence to John M'Cullough's, thence near the south east corner of David Miller's new improvement, thence on the best ground to the state road at or near the house of John Dickerson.

SEC. 2. The said commissioners or a majority of them shall proceed, on the first day of April next, or on some subsequent day (after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act) to proceed to view mark and locate said road, and they shall make a report of the route of said road and the distance from point to point; a copy of which shall be filed in the office of the clerk of the court of the county of Switzerland. And it is hereby made the duty of the said clerk to record the same on the record book of the board of county commissioners of said county.

SEC. 3. It shall be the duty of the board of commissioners of said county to order said road to be opened any width not exceeding sixty feet in the same way or manner as is now or may be hereafter provided for opening and repairing public roads and highways.

SEC. 4. Should either of said commissioners die or resign or be absent so as to be unable to attend to the business, it shall be the duty of the commissioners of said county to appoint a successor or successors, who shall be qualified as above provided.

This act to take effect from and after its passage.

CHAPTER CXXIII.

AN ACT to locate a certain state road therein named.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Williams of Jackson county be, and is hereby appointed, commissioner to view, survey, mark, and locate a state road from Brownstown in Jackson county, by Williams' ferry or Muscackituck river, to the cross roads at or near Doctor Carter's old place in Scott county: *Provided,* That said commissioner shall have due regard to the interest of persons owning land on said route where it will not materially increase the distance of said road.

SEC. 2. The commissioner aforesaid shall, on the first Monday of June next, or as soon thereafter as may be practicable, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, proceed with the necessary hands to view, survey, mark, and locate the road aforesaid; and shall within thirty days thereafter make and file in the clerk's office of the counties through which the same [may] pass, a plat of so much of said road as runs through each.

SEC. 3. The boards doing county business in the counties through which said road may pass, shall allow said commissioner and the hands necessarily employed by him, a reasonable compensation for their services, out of any moneys belonging to said counties not otherwise appropriated; which allowance shall be made in proportion to the length of the road in each county through which the same may pass; and it shall be the duty of the boards doing county business in the counties through which said road may be located, to cause so much of said road as runs through their respective counties, to be opened not less than forty feet in width, and kept in repair the same manner as other state or county roads are opened and kept in repair.

SEC. 4. Should a vacancy of the said commissioner happen by death, refusal to qualify, or otherwise, it shall be the duty of the board doing county business in the county of Jackson to appoint some suitable person to fill such vacancy, who shall discharge all the duties herein required to be performed by the commissioner hereby appointed.

This act to be in force from and after its publication.

CHAPTER CXXIV.

AN ACT to locate a state road from the town of Laporte via Waverly to the western boundary of the State.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Andrew Burnside and William Gossett of the county of Laporte, be, and they are hereby appointed commissioners to view, mark, and locate a state road from the town of Laporte, in Laporte county, along the peninsula that projects into the lake that is near the town, thence over the ridge that is called the backbone ridge, between Pine and Stone lake, thence the nearest and best way to the town of Waverly in said county, thence the nearest and best way to the state line in the direction to the Hickory creek and Fox river settlements.

SEC. 2. That the aforesaid commissioners shall on the second Monday of May next, or on some subsequent day, meet in the town of Laporte, and after taking the usual oath faithfully to discharge the duties enjoined upon them by this act, they shall take with them a suitable number of hands for their assistance, and proceed to view, mark, and locate, [as] above, said road, with as little injury as possible to private property, consistent with public benefit.

SEC. 3. It shall be the duty of said commissioners, within thirty days after having completed [the] above said survey, to cause a plat and survey of said road to be filed in the clerk's office of Laporte county, which report shall be recorded within ten days after it is so filed, by the clerk in the record books of the board doing county business in said county.

SEC. 4. It shall be the duty of the board doing county business in Laporte county, to pay said commissioners a reasonable compensation for their services, and for their assistants in locating said road; and it shall further be their duty to fill any vacancy which may happen by death or resignation of either the above said commissioners, who shall be governed by this act in all respects as his predecessor.

SEC. 5. Said board of county commissioners shall cause said road to be opened at least forty feet in width, and kept open as other roads usually are.

This act to be in force from and after its passage.

CHAPTER CXXV.

AN ACT to locate and establish a state road from Michigantown in Clinton county, to Andersontown in Madison county.

(APPROVED JANUARY 31, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That George Paris, of Clinton county, be, and he is hereby appointed a commissioner to view, survey, locate, and mark a state road from Michigantown, in Clinton county, to Andersontown in Madison county.

SEC. 2. Said commissioner shall, on the first Monday of April next, or as soon as convenient thereafter, after taking the usual oath, proceed to view, mark, and locate said road; and when he shall have viewed, marked, and located said road, he shall cause a report of said road to be filed in the clerks' offices of said counties within forty days thereafter, and the said clerks shall record the same in the records of said commissioners' courts; and the said commissioners may, at their next term thereafter, make such reasonable allowance to said commissioner as they may deem proper.

SEC. 3. That the different supervisors through whose districts said road may run, shall, after the location of said road, cause the same to be opened not exceeding sixty feet wide, and keep the same in good repair in the same manner as other roads are.

SEC. 4. This act to be in from and after its publication.

CHAPTER CXXVI.

AN ACT to locate a state road from Brookville, in Franklin county, via Fairfield in Franklin county, and Dunlapville and Brownsville, in Union county, to Richmond, in Wayne county.

(APPROVED JANUARY 31, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Richard Tyner of Franklin county, Matthias Fosher of Union county, and George Hunt of Wayne county, be, and they are hereby appointed, commissioners to view, mark, and locate a state road, commencing at Brookville in Franklin county, running from thence to the town of Fairfield in Franklin county, thence to Dunlapville in Union county, thence to Brownsville in Union county, thence to Richmond in Wayne county.

SEC. 2. It shall be the duty of the said commissioners, or any two of them, on the first Monday of June next, or as soon thereafter as may be practicable, to meet at Brookville in the said county of Franklin, and take an oath or affirmation, faithfully to discharge the duties

herein enjoined upon them, and proceed to view, mark, and locate said road, and make the necessary surveys, following the county roads in said counties wherever it is practicable and expedient to follow the same between the points above mentioned, having a due regard for the property of individuals, whenever the same can be done without materially lengthening the distance of said road; and shall take with them a surveyor and a sufficient number of chain carriers and markers for that purpose; and shall in thirty days thereafter, file in each of the clerks' offices of the counties through which said road shall pass, a report of their proceedings; and it shall be the duty of each of the clerks of said counties to record the same in the record book of the board of county commissioners of his county within twenty days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in each of said counties, at their next session after the filing of said report, [to] cause said road to be opened and kept in repair in the same manner as is now or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. That in case said commissioners shall by reason of death, refusal to qualify, or otherwise, be unable to discharge the duties enjoined upon them by this act, it shall be the duty of the board doing county business in the county where such vacancy may occur, to appoint some suitable person to act as such commissioner, at their first meeting after such disability or refusal to qualify, may happen.

SEC. 5. It shall be the duty of the several boards doing county business in each of said counties through which said road may pass, to allow to such commissioners, chain carriers, markers, and surveyors, and all other persons necessarily employed in the location of said road, such compensation as to them shall seem reasonable and proper in proportion to the length of said road in each county.

This act to take effect and be in force from and after its passage.

CHAPTER CXXVII.

AN ACT entitled an [act] for the location of a state road from Goshen in Elkhart county to Plymouth in St. Joseph county.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Balse Hess of the county of Elkhart be, and he is hereby appointed commissioner to view, mark, and locate a state road commencing at Goshen in Elkhart county, thence the nearest and best way to Plymouth in St. Joseph county.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday of June next, or on some subsequent day thereafter, to view, mark, and locate said road.

en an oath faithfully and impartially to discharge the duties required of him by this act, to view, mark, and locate said road, and shall take with him a sufficient number of surveyors, chain carriers, and markers as he may think necessary to accomplish the aforesaid object, and shall, within twenty days thereafter, file in the clerk's office of the counties of Elkhart and St. Joseph, a plat and report of said survey; and it shall be the duty of the clerks of said counties in whose office the reports and plats may be filed, to record the same in the record book of the board doing county business within ten days after filing the same.

SEC. 2. Should any vacancy happen by death, resignation, or refusal to act, against the time aforesaid, the board doing county business in the county of Elkhart shall have full power to fill the same.

SEC. 4. The commissioner aforesaid shall receive for his services and all necessary expenses incurred by him in the location of said state road, such compensation as the boards doing county business [in the counties] through which the road may pass shall deem just and right in proportion to the extent of road in their respective counties.

SEC. 5. This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

CHAPTER CXXVIII.

AN ACT legalising the proceedings of the Fort Wayne and St. Mary's bridge company.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of the trustees and directors of the Fort Wayne and St. Mary's bridge company be, and the same are hereby legalized, so far as they would have been legal, had the act of incorporation of said company been in force from and after its passage.

SEC. 2. The location of the bridge across the St. Mary's river at the place selected and fixed upon by the directors of said company shall be deemed and considered as in compliance with the sixth section of the act to incorporate the Fort Wayne and St. Mary's bridge company, approved February 1, 1834.

This act to be in force from and after its passage.

CHAPTER CXXIX.

AN ACT to locate a state road from Centreville in Wayne county to Connersville in Fayette county, and for other purposes.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Nathan Smith of Wayne county, be and he is hereby appointed a commissioner to view, mark and locate a state road from Centreville in Wayne county, in a direction to Connersville in Fayette county, to the forks of the road leading from Milton to Brownsville, at or near the house of Oliver P. Smith in Fayette county, where the state road from Connersville to Centreville as now located and opened, strikes the said Milton and Brownsville road.

SEC. 2. That the said commissioner shall also view, straighten, mark, and locate a state road from Centreville via Larsh's mill and Hunt's mill, to the Union county line, on or as near the present county road as suitable ground can be had.

SEC. 3. That the said commissioner shall on the first Monday of June next, or at some subsequent time, soon thereafter, commence the discharge of the duties required of him by this act, and shall complete the same as soon as practicable.

SEC. 4. That it is hereby made the duty of said commissioner to locate both said roads, on or as near the present county roads as now located, as practicable; and in locating said roads, the said commissioner shall pay due regard to the private rights of individuals owning property on said roads, as well as the public convenience, and shall in all things be governed by the provisions of an act entitled "an act defining the duties of commissioners appointed to locate state roads, and for other purposes" approved February the first, eighteen hundred and thirty four, and which said roads, when located as aforesaid, shall be considered state roads, and shall be opened and kept in repair accordingly.

CHAPTER CXXX.

AN ACT to locate a state road from the county seat of Miami county to the town of Rochester on the Michigan road.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana* That Jacob Wilkinson of the county of Miami, be, and hereby is appointed a commissioner to view, mark, and locate a road commencing at a point on the road leading from Richmond to Miamisport,

about one mile south-east of the town of Peru, thence on the nearest and best ground through the towns of Peru and Mexico to the town of Rochester, on the Michigan road.

Sec. 2. That said commissioner after taking an oath faithfully and impartially to discharge his duties according to the provisions of this act, shall on or before the first day of May next, or some subsequent day, proceed to view, mark and locate said road, and may employ a surveyor, chain carriers and markers for that purpose; and the boards doing county business in the counties through which said road may pass, shall make to the commissioner, surveyor, chain carriers and markers, such compensation as they shall deem reasonable and just.

Sec. 3. That it shall be the duty of said commissioner within thirty days after making said location to file in the clerk's offices of the counties through which said road may pass, a copy of the survey and field notes of said road; and the boards doing county business in the said several counties, shall cause said road to be opened and kept in repair in the same manner as other roads.

This act to take effect and be in force from and after its passage.

CHAPTER CXXXI.

AN ACT to re-locate a part of the state road from Logansport, to Pigeon prairie in Michigan territory.

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elihu Tremble, of Kosciusko county, be appointed a commissioner to re-locate so much of the state road from Logansport through Turkey plain and Elkhart plain to Pigeon prairie, on the line of the Michigan territory as situated between the crossing of Turkey creek in the county of Kosciusko, and the crossing of Mill creek on the Michigan road in the county of Cass.

Sec. 2. The commissioner aforesaid shall, on the first Monday in April next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, proceed to view, mark and locate the said road; to make all necessary surveys, taking with him a sufficient number of chain carriers and markers; and shall within thirty days after the location thereof, cause a report and plat of the same to be filed in the clerk's office of each county it may pass through, which report shall, within ten days thereafter be recorded in the record book of the board doing county business; and that part of the road so re-located under the provisions of this act, shall be considered as a part of said state road, and that part of the state road lying between the points of intersection, shall be va-

uated; for which services the said commissioner shall be allowed the sum of one dollar per day and all necessary expenses accruing.

Sec. 3. That the sum of one hundred dollars of the three per cent. fund appropriated to the county of Elkhart, by an act entitled "an act to provide for the navigation of the Wabash river," approved February 1st, 1834, be applied to the opening of so much of the state road leading from Goshen to Logansport as lies between the township line thirty four north, and the west line of Kosciusko county, which shall be drawn for as other moneys are drawn and applied by said road commissioner of said county.

CHAPTER CXXXII.

AN ACT to locate a state road from the town of Laporte, to the western boundary of the state of Indiana.

[APPROVED DECEMBER 24, 1834.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Coleman and Elisha Newhill, of the county of Laporte, and James Hutchins of the county of St. Joseph, be and they are hereby appointed commissioners to locate a state road commencing at the town of Laporte, thence running to the Door village, thence running to the crossing of the Allen road on Morgan's prairie, on the most eligible ground towards Hickory creek, to the western boundary of the state of Indiana.

Sec. 2. That said commissioners, or any two of them on the first Monday of October next, or at any subsequent day within sixty days thereafter that said commissioners may determine on after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to locate said road between the points aforesaid.

Sec. 3. Said commissioners shall, within thirty days after the location of said road, cause a report of said location to be filed in the clerk's office of the counties in which said location may be made, which shall be recorded by said clerk or clerks in the record book of the board doing county business, within twenty days after the same may have been filed as aforesaid.

Sec. 4. The said commissioners shall be governed in all other respects by the act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February 1, 1834.

This act to be in force from and after its publication.

CHAPTER CXXXIII.

AN ACT to locate a state road from New Harmony to Evansville.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Schnee and William Casey, of Posey county, and Alanson Warner of Vanderburgh, be, and the same are hereby appointed commissioners to mark and locate a state road from New Harmony to Evansville.

SEC. 2. That the said commissioners, or any two of them, shall meet in the town of New Harmony, on the first Monday of May next, or so soon thereafter as they, or any two of them, may agree, and after taking an oath faithfully and impartially to discharge the duties enjoined by this act, shall proceed to mark and locate the said road the nearest and best way the same can be made, of a width not less than thirty, nor more than sixty feet, as they may deem proper.

SEC. 3. The said commissioners after marking and locating the said road, shall make and return a report of their proceedings to the boards doing county business in the counties of Posey and Vanderburgh, who shall cause the same to be entered upon the records of said boards.

SEC. 4. After the record of said report, the boards doing county business shall cause the said road to be opened and repaired, the width aforesaid, in the same way and manner as is now provided for opening roads and highways, and repairing the same.

SEC. 5. The counties of Posey and Vanderburgh shall equally bear the expenses attending the location and marking of said road, the commissioners to receive one dollar and fifty cents per day, for every day necessarily engaged in the performance of their duties.

SEC. 6. Should any vacancy occur by death, absence, or refusal to act on the part of any of the commissioners aforesaid, the boards doing county business shall fill the vacancies in their respective counties.

SEC. 7. This act shall take effect from and after its publication.

CHAPTER CXXXIV.

AN ACT to locate a state road from Daniel Underhill's mill in Clinton county, to Burlington, in the county of Carroll.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Stockton, of the county of Carroll, be, and he is hereby appointed a commissioner to locate a state road, commencing at

Daniel Underhill's mill, in the county of Clinton, thence to the town of Burlington, in the county of Carroll.

SEC. 2. The commissioner aforesaid, shall, on the first Monday in April next, or as soon thereafter as may be convenient, after taking an oath faithfully and impartially to discharge the duty required of him by this act, proceed to locate and mark said road, and shall within thirty days thereafter, cause a report to be filed in the clerk's office of the counties of Clinton and Carroll, to be recorded in the record books of the boards doing county business in said counties.

SEC. 3. The commissioner aforesaid, shall have power to employ a surveyor, chain-carriers and markers, to lay out said road as proposed by this act.

SEC. 4. Should the commissioner aforesaid, die, resign, or refuse to qualify, it shall be the duty of the board doing county business in the county of Clinton to appoint some suitable person to fill such vacancy.

SEC. 5. It is hereby made the duty of the boards doing county business in the counties of Clinton and Carroll, to allow the aforesaid commissioner, chain carriers, &c. such compensation as they may deem just, for their services under the provisions of this act, to be paid out of the county treasuries of Clinton and Carroll counties, and the boards doing county business in the said counties shall cause the said road to be opened and kept in repair in the same manner and by the same means that county roads are, or ought by law to be opened and repaired.

This act to take effect and be in force from and after its publication.

CHAPTER CXXXV.

AN ACT to authorise the re-locating the state road from Lewisville in Henry county, to Middletown.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Thomas Leonard, Jesse Forkner, and William Shannon, of the county of Henry, be, and they are hereby appointed commissioners to relocate the state road from Lewisville, in the county of Henry, to Middletown, via Greensburgh.

SEC. 2. The aforesaid commissioners shall meet in the town of Lewisville on the first Monday in May next, or as soon thereafter as convenient, and after taking an oath before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view the aforesaid road as previously located, and examine if any changes are necessary, if so, make such alterations as they

may consider necessary] for the public good, having due regard to private property; they shall be authorised to employ any assistance that they may consider necessary in said location.

SEC. 3. That it shall be the duty of said commissioners, within ten days after they have completed the review and location of said road, to report the same and cause it to be filed in the clerk's office in the county of Henry, which shall be considered the permanent location of said road.

SEC. 4. If any vacancy should happen by refusal to serve or otherwise, of any of the aforesaid commissioners, the board doing county business in the county of Henry shall fill the same.

SEC. 5. The board doing county business in the county aforesaid, shall make reasonable allowances to those concerned in the aforesaid location, to be paid by the treasurer of Henry county.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVI.

AN ACT to locate a state road from Lima, the seat of justice of Lagrange county, to Huntington, the seat of justice of Huntington county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Robert Latta and Anthony Nelson of Lagrange county, be, and they are hereby appointed commissioners to view, mark, survey, and locate a state road from Lima, in Lagrange county, to Huntington in Huntington.

SEC. 2. The commissioners aforesaid, or either one of them, after being duly qualified, shall proceed with the necessary hands to view, mark, and locate, the road aforesaid; on the nearest and best ground between the points aforesaid, and shall make and file in the clerks' offices of the counties through which the road may pass, a plat of so much of said road as runs through each.

SEC. 3. The boards doing county business in the counties of Lagrange and Huntington, shall allow said commissioner or commissioners, and the hands necessarily employed by them, a reasonable compensation for their services, out of any funds not otherwise appropriated, in their respective counties, which allowances shall be made in proportion to the length of the road in each, and said board shall cause so much of said road as runs through their respective counties, to be opened not exceeding sixty feet in width, in the same manner as other state and county roads are opened.

SEC. 4. This act to take effect and be in force from and after its publication.

CHAPTER CXXXVII.

AN ACT to locate and establish certain State roads therein named and for other purposes.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That George H. Johnson and John W. Evans of the county of Monroe, be, and they are hereby appointed commissioners to view, mark, and locate, a permanent state road from Bloomington in said county to Morgantown in Morgan county upon the most suitable route that the nature of the ground will admit of: *Provided,* That said commissioners in the selection of said route shall take into consideration the advantages of the present county road running from Bloomington to Morgantown, the difference in the distance of that road and any other proposed route together with the probable increased expense and labour of opening and preparing for travel a road upon other ground and the corresponding public utility: and *provided also,* that said commissioners shall have due respect to the rights of private property in the location of said state road.

SEC. 2. Said commissioners shall after taking an oath or affirmation faithfully to discharge the duties required of them by this act proceed to view, mark and locate said road; and shall within thirty days thereafter, file a report thereof in the clerks office of each of said counties; and said clerks respectively shall within ten days thereafter, record the same in the record books of the boards doing county business respectively, of said counties.

SEC. 3. Each of said boards shall, at their first session after such report is filed, cause so much of said road as lies within their county, to be opened any width not exceeding forty eight feet, and to be repaired from time to time, under the provisions of the law for opening and repairing public roads and highways in such county.

SEC. 4. Said commissioners shall select a competent surveyor to aid them in viewing, marking, surveying and locating said road, and said surveyor shall make out and file in the clerk's office of each of said counties a plat of said road which shall be recorded at the same time that the report of the commissioners aforesaid is filed and recorded and each of said boards shall make a reasonable compensation to said commissioners, and the surveyor and other hands by them employed as aforesaid on so much of said road as lies within their county, to enable them to do which, said commissioners shall file, at the time of filing said report, their account of the number of hands and days in such service on that part of said road.

SEC. 5. If any vacancy shall happen in the office of one or both of said commissioners, by the death, resignation, removal, or refusal to qualify on the part of one or both of them, the said vacancy or vacancies shall be filled by the board doing county business in Monroe county.

SEC. 6. *Be it further enacted*, That the sum of two hundred dollars out of that part of the three per cent. fund heretofore or which may hereafter be appropriated to the said county of Monroe be, and the same is hereby appropriated to the construction of a good and substantial bridge over Beanblossom creek in said county where the state road herein provided for crosses the same, and that Aquilla Rogers be and he is hereby appointed a commissioner to lay out and expend said sum of money in the construction of said bridge over Beanblossom creek in said county. The commissioner aforesaid shall before entering upon the discharge of the duties assigned him by this act, enter into bond payable to the state of Indiana in the penal sum of four hundred dollars, conditioned for the faithful discharge of his duties as such, and he shall also take an oath or affirmation faithfully to discharge his duties as such commissioner, and the board doing county business shall allow him such compensation as they may deem reasonable and right for his services aforesaid to be paid out of the three per cent. funds in his hands.

SEC. 7. The commissioner aforesaid shall after having qualified himself as heretofore required give three weeks public notice in the Indiana Gazette and Literature's Advocate a newspaper printed and published in the town of Bloomington that he will on a day certain attend at the house of John Young in said county for the purpose of receiving proposals, for the construction of said bridge, at public outcry and the lowest responsible bidder shall be by said commissioner considered as the contractor and shall thereupon enter into bond payable to the state of Indiana with good free hold security in double the amount for which he has contracted to build said bridge, and the commissioner aforesaid shall fix upon some reasonable time within which said bridge shall be completed, which time, together with a description of the plan of said bridge, shall be made known on the day set for the letting out of the building said bridge, and the board doing county business in Monroe county shall, after the commissioner aforesaid hath qualified himself according to the provisions of this act, make out an order upon the commissioner heretofore appointed to receive the three per cent. fund for said county, and cause the same to be entered of record, a certified copy of which shall be sufficient for the commissioner holding the three per cent fund for said county to pay over the said sum of two hundred dollars to the commissioner herein authorised to receive the same; and the commissioner aforesaid shall make a full and final settlement with the board doing county business in said county so soon as he shall receive and pay over the moneys hereby appropriated or so much thereof as may pay for the construction of said bridge and if the said sum of two hundred dollars shall be insufficient to build said bridge then so soon as the board doing county business shall deem it proper they may make any additional appropriation necessary to complete said bridge out of any three per cent. fund money belonging to said county not otherwise appropriated.

SEC. 8. *Be it further enacted*, That Charles Dyer of the county of Johnson be and he is hereby appointed a commissioner to view, mark and locate a state road from Morgantown in Morgan county to John Keeslins in said county of Johnson, who shall in all particulars be subject to and governed by the requirements in this act heretofore prescribed for the government of the commissioners appointed by the first section of this act.

SEC. 9. That Reuben Davis of Lawrence county and James Crane of Monroe county be and they are hereby appointed commissioners to view, mark and locate a state road from the point where the state road usually called the state road from William Connelly's in Lawrence county, to Greencastle in Putnam county terminates in Monroe county; that the commissioners aforesaid shall locate said road on the nearest and most direct route to Springville in Lawrence county; that they shall be governed in every particular as the commissioners were who located the above mentioned road, and their compensation shall be allowed them by the boards doing county business in said counties in proportion to the distance the same may be viewed and located in said counties, and that the 7th section of the act entitled an act to provide for the location of certain state roads therein named, (approved February 1st, 1834) be and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER CXXXVIII.

AN ACT to locate a state road commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke and Montgomery.

(APPROVED FEBRUARY 7, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That Coonrod Frakes of the county of Vigo and William Gobin of the county of Sullivan, and William Hedges of Clay county, be, and they are hereby appointed commissioners to view, mark, survey and locate a state road commencing in section twenty-three, in township nine and range nine in Sullivan county, at or near where the state road from Carlisle to Terre Haute passes Simeon Morris' farm in said county; thence to the brick meeting-house on section seventeen, township ten, range eight, in Vigo county; thence to Felix Beard's on section four, in the same township; thence to the east and west line between section twenty-eight and section twenty-one to the middle of said line in town eleven range eight; thence to the corner between William Donham's and Isaac Pierce's in section twenty-one; thence to the Gum spring on said section; thence to or near Johnson Mewhenie's, on the best and most suitable direction to Cloverland in Clay county; thence the nearest and best route to intersect the Rock-

ville and Crawfordsville state road where it crosses the Montgomery county line, at or near the south-west corner of said county, and to continue on the same to the town of Crawfordsville.

SEC. 2. It shall be the duty of the commissioners aforesaid, on the first Monday of May next, or some subsequent day to be agreed upon by said commissioners, to meet at the house of James Loyds in the county of Sullivan, and after taking an oath or affirmation, faithfully and impartially to discharge the duties herein enjoined, proceed to view, mark, survey, and locate said road, agreeably to the provisions of the first section of this act, having respect for private property, so far as not materially to increase the distance of said road; and it is also made the duty of said commissioners, within thirty days after making said location, to cause a report of their proceedings to be filed in each of the clerk's offices of the several counties in which the said road may be located, which report shall, within ten days after filing the same as aforesaid, be recorded by said clerks in the record book of the county commissioners in their respective counties.

SEC. 3. Should any vacancy happen by death, resignation or otherwise, it shall be the duty of the board of county commissioners where such vacancy may happen, at their next meeting, to appoint some person to fill such vacancy.

SEC. 4. The commissioners aforesaid shall each be allowed one dollar per day for each day they may necessarily be employed in making the location aforesaid, to be allowed by the board of county commissioners of Vigo, Sullivan, Clay and Parke, in proportion to the length of said road in each of said counties aforesaid; and the commissioners aforesaid are hereby empowered to employ a surveyor, two chain-men, and a sufficient number of markers to locate said road, who shall be allowed a reasonable compensation for their services, payable out of the county treasuries of the counties aforesaid, as is herein provided for the payment of said commissioners.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

AN ACT to locate a state road therein named.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jesse Evans of Fountain county be, and he is hereby appointed, a commissioner to view, mark, and locate a state road from the west bank of the Wabash river, opposite the mouth of Liberty street, in the town of Covington, thence on as straight a direction as the

ground will admit to the state line in the direction to Danville, Illinois.

SEC. 2. The said commissioner, prior to entering on the discharge of his duties, shall take an oath well and truly to discharge his duty as such commissioner, before some person authorised to administer oaths.

SEC. 3. At the next term of the board doing county business of Warren county, after such location of said road, the said commissioner shall return said location, which shall be recorded by said board, after which said road shall be taken and deemed a state road.

SEC. 4. The board doing county business for Fountain county shall make such commissioner such allowance for his services as said board shall deem reasonable.

This act to be in force from and after its publication in the Western Constellation.

CHAPTER CXL.

AN ACT to locate a certain state road therein named.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jarvis Smith and Henry Crum of the county of Orange be, and they are hereby appointed commissioners to view, mark, and locate a state road leading from Orleans via Livonia in Washington county, to intersect the New-Albany and Vincennes state road in the direction to Greenville in Floyd county, as lies between Jesse Ferguson's, in the county of Orange, and the Orange county line, in the direction of Livonia, so as to connect the same with the new road laid out in Washington county.

SEC. 2. The commissioners appointed by the provisions of this act, shall meet at the house of Jesse Ferguson on the first Monday of April next, or some subsequent day thereafter, and commence the duties assigned them by the provisions of this act, and shall be governed in all respects by the provisions of an act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February 1, 1834.

This act to take effect and be in force from and after its publication.

CHAPTER CXLI.

AN ACT to locate a state road in Perry [Posey] and Vanderburgh counties.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Cynthiana in Posey county till it intersects the state road in Vanderburgh county, about six miles from Evansville, be, and the same is hereby declared to be a state road, to be opened and repaired in the same manner as other state roads.

SEC. 2. That Robert M. Evans, Patrick Calvert, and John H. Craig, of Vanderburgh county, and Benjamin Carter, of Posey county, be, and the same are hereby appointed commissioners to mark, survey, and re-locate such part of said road as they may deem advisable; for which they shall receive the sum of one dollar and fifty cents per day for each day necessarily engaged, to be paid by the respective counties.

This act to be in force from and after publication.

CHAPTER CXLII.

AN ACT to re-locate a part of the state road leading from Greencastle in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county and Bowling green and New Brunswick, in Clay county, approved January the 3d, 1835.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Maxwell, Tilman Chance, and Joel Owen of Clay county be, and they are hereby appointed commissioners to re-locate so much of the above named state road as lies between Tilman Chance's and New Brunswick in Clay county. The commissioners aforesaid shall on the third Monday in May next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned them by this act proceed to view, mark, and re-locate that part of the road aforesaid, that lies between the abovementioned points, on the nearest and best way, having due regard to the quality of the ground to make a road on, and having due regard to private property, taking with them if necessary, a surveyor and chain carriers and marker; a plat of which location they shall file in the clerk's office of Clay county, within twenty days after the location is made.

SEC. 2. It shall be the duty of the board doing county business in the county of Clay, at their next meeting after the location is made, to cause the same to be opened any width not exceeding forty feet,

and made agreeably to and under the provisions of an act, entitled "an act for opening and repairing public roads and highways."

SEC. 3. That the commissioners shall be allowed a reasonable compensation for their services by the board doing county business in Clay county, and all other reasonable expenses shall be allowed by said board.

This act to be in force and take effect from and after its passage.

CHAPTER CXLIH.

AN ACT to re-locate a certain state road therein named.

(APPROVED DECEMBER 24, 1834.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Horner of the county of Washington, be, and he is hereby appointed commissioner to re-locate so much of the state road leading from Albany in Floyd county, to Vincennes in Knox county, as lies between Jacob Horner's, on the east side of the Fredericksburgh bridge in Washington county, to a point on said road one mile west of said bridge, or so much thereof as to cause the said road to cross Blue river at said bridge.

SEC. 2. Said commissioner shall meet at the house of Jacob Horner, on or before the fifteenth day of June next, [and] after being qualified shall proceed to the discharge of his duties, and be governed in all respects as the law directs, appointing commissioners to locate state roads, approved, February the first, 1834; and after said road is located as above described, the old road between the above named points shall be vacated.

CHAPTER CXLIV.

AN ACT to re-locate part of the state road leading from Lafayette to Michigan city.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Moses Rush of the county of Tippecanoe and Melchi Gray, of the county of White, be and they are hereby appointed commissioners to view, mark and re-locate so much of the state road leading from Lafayette to Michigan city as lies between the forks of said road near Melchi Gray's in White county and Michigan city, as they may deem expedient.

SEC. 2. The commissioners aforesaid shall, on the first day of April next, or as soon thereafter as convenient, after taking an oath faithfully and impartially to discharge the duties assigned them by

this act, proceed to view, mark, and re-locate the aforesaid road on the nearest and best ground, taking with them, if necessary, a surveyor, chain carriers and markers; a plat of which survey they shall file in the clerk's offices for record, in the counties of White and Laporte, within twenty days after said location.

Sec. 3. It shall be the duty of the boards doing county business in said counties, at their next meeting after the filing of said report, to make such allowances to said commissioners, surveyor, chain carriers, and markers as they may deem reasonable for their services, to be paid out of the first money appropriated in said counties of White and Laporte out of the three per cent. fund, and cause the road aforesaid to be opened any width not exceeding fifty feet, in the same way and manner as is now or may hereafter be provided for, by the law for opening and repairing highways.

Sec. 4. Should a vacancy of the said commissioners take place by death or otherwise, it shall be the duty of the board doing county business, in the county of White, to appoint some person to fill such vacancy, and who shall be governed by the duties required in this act.

This act to be in force from and after its passage.

CHAPTER CXLV.

AN ACT to re-locate a certain state road in the counties of Hancock and Henry.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana* That James B. Stevens, of Hancock county, be and he is hereby appointed a commissioner to view, mark and re-locate a state road from Greenfield in Hancock county to Middletown in Henry county.

Sec. 2. The commissioner aforesaid shall, on the first Monday in May next, or on some subsequent day, and after taking an oath faithfully and impartially to discharge the duties assigned by this act, proceed to view, mark and re-locate the road aforesaid on the nearest and best direction having due regard to public interest and individual rights so far as not materially to increase the distance of said road, taking with him a surveyor, chain carriers and marker, a plat of which re-location he shall file in the clerk's offices of the counties of Hancock and Henry, within twenty days after the re-location is made.

Sec. 3. It shall be the duty of the boards doing county business in the counties of Hancock and Henry, at their next meeting after the re-location is made, to cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of an act entitled "an act for opening and repairing public roads and highways."

Sec. 4. The commissioner aforesaid, chain carriers, surveyor and

marker, shall each be entitled to a reasonable compensation for their services to be paid out of the first moneys received from the agent of the three per cent. fund, by the counties of Hancock and Henry not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CXLVI.

AN ACT to establish a certain state road therein named.

(APPROVED FEBRUARY 7, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Zadoc Smith of Hendricks county and Solomon Dunagan of Morgan county, be, and they are hereby appointed commissioners to survey, mark, and locate a state road from Mooresville in Morgan county, thence north via William Harris' on the Indianapolis and Crawfordsville state road, in Hendricks county, thence to some point on the Michigan road, in Boone county, at the discretion of the commissioners.

Sec. 2. It shall be the duty of said commissioners on the second Monday of June next, or on some subsequent day thereafter, after having taken an oath according to law faithfully and impartially to discharge the duties enjoined upon them by the provisions of this act, to commence at Mooresville in Morgan county, and proceed to survey, mark, and locate said road agreeably to the provisions of the first section of this act; and they shall, within thirty days thereafter, file in each of the clerk's offices in the counties through which said road may pass a report; which said report shall, within ten days thereafter, be recorded in the record book of the boards doing county business in said counties.

Sec. 3. That the said commissioners of said counties shall, at their first meeting after the location of said road as herein contemplated, cause the same to be opened any width not exceeding forty feet, and to be made agreeably to and under the provisions of the law now in force for opening and repairing public roads and highways in the several counties in this state.

Sec. 4. That said commissioners are hereby authorised and empowered, (at their discretion,) to employ a surveyor, chain men, and markers to make said location, who shall each receive such compensation as the boards doing county business in said counties may deem reasonable and just, in proportion to the distance of said road in each of said counties through which the same may pass, to be paid out of the said county treasuries of said counties, or out of the three per cent. fund belonging to said counties, at the discretion of the several boards doing county business in and for said counties.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CXLVII.

AN ACT to establish a certain state road in Delaware and other counties.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Vanmatre, jr. of the county of Delaware, be and he is hereby appointed a commissioner, who shall proceed on the third Monday in March next, or on some subsequent day, to view, mark, and locate a state road commencing at or near the house of John Vanmatre in Delaware county, thence the nearest route and on the most suitable ground to intersect either the state road leading from Andersontown in Madison [county] to Fort Wayne, or the state road leading from Muncietown to Marion in Grant county, within two miles of Robert McCormack's in Grant county.

SEC. 2. That Samuel Shimer of Madison county be, and he is hereby appointed a commissioner, who shall proceed on the second Monday in April next, or on some subsequent day, to view, mark, and locate a state road, commencing at the town of Chesterfield in the county of Madison, from thence on the nearest and best route to the town of Marion in Grant county, having due regard to the property of individuals.

SEC. 3. The commissioners herein appointed, and the boards doing county business in the several counties through which said roads may pass, shall be governed in all respects as provided in an act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February 1, 1834: *Provided, however,* That the expenses of locating said roads may be paid out of any three per cent. money belonging to said counties.

SEC. 4. That so much of the old county road leading from Knightstown to West Liberty, in Henry county, as lies between the national road and the crossing of Montgomery's creek, be, and the same is hereby declared a state road; and so much of the state road leading from Knightstown in Henry county to Hill's mills, as lies between Knightstown and where the same crosses Montgomery's creek, be, and the same is hereby vacated.

This act to take effect and be in force from and after its publication.

CHAPTER CXLVIII.

AN ACT to establish a state road from Delphi via Camden to the Michigan road.

(APPROVED FEBRUARY 7, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Delphi in the county of Carroll, by the way of Camden, intersecting the Michigan road in the direction to Logansport, be, and the same is hereby declared a state road.

This act to be in force from and after its passage.

CHAPTER CXLIX.

AN ACT to establish a state road from Bowlinggreen in Clay county, to Osborn's ferry in Greene county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That David Thomas and William Luther of Clay county, and George Hoozer of Owen county, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at the court house in Bowlinggreen in Clay county, and running thence the nearest and best way to intersect the Osborn ferry road, at the line between Clay and Owen counties, and the said last mentioned road from thence to Osborn's ferry in Greene county, is hereby declared a state road.

SEC. 2. Said commissioners, or a majority of them, shall meet at Bowlinggreen in Clay county, on the first Monday in May next, or on some subsequent day to be by them agreed upon, and after having taken an oath before some justice of the peace for the faithful discharge of the duties hereby assigned them, shall forthwith proceed to view, mark, and locate said road as aforesaid, and shall, within ten days after such location, file a report of their proceedings in the clerk's office of Clay county.

SEC. 3. The commissioners aforesaid, shall be entitled to receive for their services, the sum of one dollar per day each, to be allowed by the board doing county business in the county of Clay, and paid out of the county treasury of said county.

This act to take effect and be in force from and after its passage.

CHAPTER CL.

AN ACT to establish a state road from Logansport to the rapids of the Iroquois river.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joshua Lindsey, of the county of White, be, and hereby is, appointed a commissioner to locate, mark, and lay off a state road commencing at the town of Logansport, in the county of Cass, Indiana, and running from thence on the nearest and best ground, to the Tippecanoe river, near the mouth of Metamoning creek, thence to the rapids of the Iroquois river, to intersect the line dividing the states of Indiana and Illinois, in the direction towards Chicago.

SEC. 2. The commissioner aforesaid, shall, if he thinks it necessary, call to his aid a surveyor, markers, and chain carriers sufficient to carry the provisions of this act into effect, each of whom shall receive for his services a reasonable compensation, to be paid out of the several county treasuries of the counties through which said road may pass, in proportion to the length of said road in each county, to be allowed by the county commissioners of the several counties, on the certificate of said road commissioner.

SEC. 3. It shall be the duty of said commissioner to make, if surveyed, a plain survey and plat of said road with the courses and distances of the same, or if only marked, a plain and full description of the ground by him designated and located as such road, a copy of which shall be returned by said commissioner into the clerk's office of said counties through which the same is located.

SEC. 4. The said commissioner, previous to entering upon the discharge of his duties, shall take an oath faithfully to discharge the same, and shall be allowed for his services one dollar per day for each day necessarily employed in locating said road, to be paid out of the county treasuries of the several counties through which said road is located, in proportion to the number of miles of the same in the counties through which it may pass.

SEC. 5. The said commissioner is hereby required to enter upon the duties enjoined by this act, on the first day of May next, or as soon thereafter as may be convenient.

This act to take effect and be in force from and after its passage.

CHAPTER CL.

AN ACT to establish a state road in Dearborn county.

[APPROVED JANUARY 17, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse L. Holman, Wm. Israel and Wm. Dills, be, and they are hereby appointed commissioners, to view, mark, and locate a state road from the mouth of Hogan creek in Dearborn county, so as to intersect the state road leading from Lawrenceburgh in said county, to Napoleon in Ripley county; at or near the farm of Wm. Dills in said county of Dearborn.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Aurora on the first Monday of March next, or as soon thereafter as they may think proper, and after severally taking an oath faithfully to discharge the duties assigned them by law, shall proceed to view, mark, and locate said road, on the nearest and best ground that can be had between said points, and shall within thirty days therefrom, cause a report thereof to be filed in the clerk's office of said county, the same to be recorded in the record book of the board doing county business in said county, within ten days thereafter.

SEC. 3. The commissioners aforesaid, may, if they deem it expedient, employ a surveyor and chain carriers, to assist them in locating said road, and shall keep a correct account of the number of hands employed, and time occupied in discharging the duties enjoined by this act, a copy of which it shall be their duty to file in the clerk's office of said county, and by such clerk laid before the board doing county business, at their next term.

SEC. 4. The board doing county business in said county, shall, when the account of said commissioners is laid before them, make such order for the payment of the same, as they shall deem just and reasonable, the same to be paid out of the county treasury.

SEC. 5. It shall be the duty of the board doing county business in said county, to cause the said road to be opened any width not exceeding fifty feet, and made agreeably [to] and under the provisions of an act for opening and repairing public roads and highways.

SEC. 6. Should any vacancy happen by death, resignation, or otherwise, the board doing county business shall appoint a commissioner to fill such vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER CLII.

AN ACT to establish a state road from Petersburg in Pike county, to Carlisle, via Bruceville, &c.

(APPROVED JANUARY 17, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Breton of Pike county, and William Bruce of Knox county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Petersburg, in Pike county, to Archibald Campbell's on White river, thence to Bruceville in Knox county, thence to Berriesville, if it do not materially increase the distance. The said commissioners shall meet at said town of Petersburg on the first Monday in May next, or on some subsequent day, as they may think proper, and after taking an oath or affirmation, faithfully to discharge the duties assigned them by this act, shall proceed to view, mark, and locate a state road the nearest and best way from the points as aforesaid, and shall, within thirty days thereafter, cause a detailed report of their proceedings to be filed in the clerks' offices in said counties respectively, through which said road may be located, giving the length of said road as located in said county; and the said clerks shall, within ten days thereafter, cause said report to be recorded in the records of the boards doing county business respectively.

SEC. 2. The said commissioners may employ a surveyor and chain-carriers, if they deem it expedient, and keep an amount of the number of hands, and the time occupied by themselves and assistants, a copy of which shall be by them filed in the clerks' offices of the counties through which said road may pass; and it shall be the duty of such clerks to lay the same before the boards doing county business in such counties, at their next succeeding term; and the boards doing county business shall make such order for the payment of the same as they shall deem just and reasonable, reference being had to the distance said road may be located in such county, and all sums thus allowed, shall be paid out of the treasury of the respective counties, on the order of said commissioners, out of any moneys in said county treasury, not otherwise appropriated.

SEC. 3. And it shall be the duty of the several boards doing county business through which said road may pass, to order the same to be opened any width not exceeding forty feet, in the same manner county roads are opened, and thereafter keep the same in repair in all respects as other roads in this state are kept in repair.

SEC. 4. Should any vacancy or vacancies occur by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled or place supplied by said board doing county business in the county where such vacancy may occur, or where such person may reside, who may refuse to serve or qualify as aforesaid.

This act to be in force from and after its passage.

CHAPTER CLIII.

AN ACT to establish a state road in the county of Vigo, from the west side of the Wabash river at Terre Haute, to the state line in the direction of Paris, Illinois, and for other purposes.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana* That the National road, on the west side of the Wabash river, from Terre Haute to a point within ten rods of the west corner of Hugh Scott's field, sixty rods in width, of the most eligible ground, to the nearest point on the old county road, to the state line in the direction of Paris, Illinois, (commonly called the Paris road,) and the said Paris road from the point last named, to the state line in the direction of Paris, Illinois, be, and the same is hereby established a state road.

SEC. 2. That so much of the road hereby established, as connects the National and Paris road as aforesaid, and which requires to be opened, may be opened by those residing in the vicinity of its location, and interested in its improvement, without any expense to the county of Vigo.

SEC. 3. That the county road heretofore laid off from the town of Cumberland, on the National road, to the northern boundary of Marion county, commonly called the Indian creek road, be, and the same is hereby declared a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CLIV.

AN ACT to establish a certain road therein named a state road.

(APPROVED DECEMBER 24, 1834.)

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Bedford, Lawrence county, by the way of the bridge on Guthrie's creek, to the town of Bono, in said county, be, and the same is hereby established a state road, and the board doing county business of said county is hereby authorised to cause the same to be opened and kept in repair, in the same manner that other state roads are opened and repaired.

CHAPTER CLV.

AN ACT to establish a state road from Salisbury in Harrison county to Greenville in Floyd county.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the location of a road heretofore made by Peter S. Kintner of Harrison county and Mordecai Collins of Floyd county, from Salisbury in Harrison county to Greenville in Floyd county be, and the same is hereby established a State road.

SEC. 2. It is hereby made the duty of said Peter S. Kintner and Mordecai Collins to report said location to the clerks of the counties of Harrison and Floyd, on or before the first day of August next, which report the said clerks shall record in the record book of the board of commissioners of said counties.

SEC. 3. It is hereby made the duty of the boards of commissioners of said counties to cause said road to be opened any width not exceeding thirty feet, and said commissioners, as to the compensation of said Peter S. Kintner and Mordecai Collins, and such surveyor chain carriers and markers, as they may have necessarily employed in making said location, shall be governed by the provisions of the act entitled "an act defining the duties of commissioners appointed to locate states roads, and for other purposes," approved February 1, 1834.

CHAPTER CLVI.

AN ACT to establish a State road from Martinsville in Morgan county via Middletown in Owen county to John Chance's ferry on Eel river, thence to Hayne's old cabin in Vigo county.

(APPROVED JANUARY 31, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Levi Cromwell of the county of Clay and William Ashel of the county of Owen, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Middletown in Owen county, the nearest and best route to Chance's ferry on Eel river in Clay county, thence the nearest and best way to intersect the Bowling-green and Terre Haute state road at or near a place commonly called Hayne's old cabin in the county of Vigo.

SEC. 2. Said commissioners shall on or before the first Monday in May next, meet at Middletown in Owen county, or as soon thereafter as may be convenient, and after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to view,

mark and locate said road in compliance with the provisions of the first section of this act; and within twenty days after the location, to cause a report thereof to be filed in the clerks office of Owen and Clay counties, which shall be by the clerks of said counties, recorded in the order book of the Boards doing county business, within twenty days after it is filed in his office; and the said boards of county commissioners in each of said counties through which said road may run, shall order the same opened and kept in repair as other roads in said county now are.

SEC. 3. That the county road leading from Martinsville in Morgan county to Middletown in Owen county, be, and the same is hereby declared to be a state road.

SEC. 4. If any vacancy occurs in the office of commissioner under this act; it shall be lawful for, and is made the duty of the county board in whose county such vacancy may have happened, to fill the same by appointment at the first term of said board, after they shall be informed of such vacancy; and each of the counties of Owen and Clay shall pay the expense of their own commissioner.

This act shall be in force from and after its passage.

CHAPTER CLVII.

AN ACT to establish a state road in the county of Switzerland.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Asaph Buck, Martin R. Greene, and Enoch Littlefield, of the county of Switzerland, be, and they are hereby appointed commissioners to view, mark and locate a state road from Patriot, at the Ohio river, via the widow Green's, to the state road leading from Madison to Lawrenceburgh at Allenville in said county.

SEC. 2. The said commissioners, or any two of them shall meet at the house of Almand Moore in Patriot on the 1st day of March next, or any day thereafter, and after taking an oath or affirmation for the faithful performance of their duties as such commissioners shall proceed to view, mark, and locate a state road commencing on the bank of the Ohio river in the town of Patriot in said county, thence the nearest and best route, via the widow Green's to the state road leading from Madison to Lawrenceburgh at Allenville in the said county of Switzerland (having due regard to private property.)

SEC. 3. That said commissioners shall, at any time within thirty days after such location, file a report thereof in the office of the clerk of the Circuit Court of said county, and the said clerk shall record such report in the record book of the board doing county bu-

business in said county, for which said clerk shall be entitled to receive ten cents for every one hundred words contained in said report, to be paid out of any funds belonging to said county not otherwise appropriated.

SEC. 4. That the said commissioners shall each be allowed the sum of one dollar per diem, to be paid from the county funds belonging to said county not otherwise appropriated.

SEC. 5. It shall be the duty of the supervisors of the several road districts through which said road may run to cause the same to be opened any width not more than forty nor less than thirty-three feet, and to be worked and kept in repair as other roads are.

This act to be in force from and after its passage.

CHAPTER CLVIII.

AN ACT to establish a state road from Connersville to St. Omer and Columbus.

(APPROVED FEBRUARY 7, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That Hezekiah Mount of the county of Fayette, Job Pugh of the county of Rush, and Jacob Hays of the county of Decatur, be, and they are hereby appointed commissioners to view, mark and locate a state road from Connersville in Fayette county to St. Omer in Decatur county.

SEC. 2. The said commissioners shall meet on the first Monday in April next or on some subsequent day, at the town of Connersville in Fayette county and after taking an oath or affirmation faithfully and impartially to discharge the duties enjoined upon them by this act, proceed to view, mark and locate the said road, and make all necessary surveys. And the said commissioners shall within twenty days after the location of said road cause a report of the same, to be filed in the clerk's office of the several counties, through which said road may pass: *Provided, however,* that in laying off and establishing said road through the county of Rush, said commissioners shall lay off and establish the same, on and along the county road now commonly known by the name of the sand creek or Columbus road; and they shall in no case deviate from the line of the said county road in the said county of Rush, except the owner or owners of the land where such deviation is made, shall agree thereto, and relinquish his or their right to damages in the premises; and the said commissioners in locating that part of said road, between the Rush county line and St. Omer in Decatur county, are hereby authorized to lay off and establish the same, on and along any state or county road that is already established.

SEC. 4. As soon as the said road is laid out, it shall be the duty of the several supervisors of roads through whose road districts the

same may pass, to open the said road fifty feet wide and keep the same in good repair.

SEC. 5. Should either of the said commissioners, by reason of death, refusal to qualify or otherwise, be unable to discharge the duties enjoined by this act it shall be the duty of the board doing county business, in the county where such vacancy occurs to appoint some suitable person to act as commissioner.

SEC. 6. It shall be the duty of the boards doing county business in the several counties through which said road may pass to pay all persons necessarily employed in such location, a reasonable compensation for their services, in proportion to the length of said road in each county.

SEC. 7. The county road running from St. Omer in Decatur county *via* Drake's mill, to Columbus in Bartholomew county is hereby declared a state road.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER CLIX.

AN ACT to establish a state road from Lafayette, to intersect the state road leading from Lafayette to Chicago at the Sugar grove.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That* David Jones of the county of Tippecanoe be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Lafayette to William Simm's, thence to David Jones', thence to north grove, thence to intersect the Chicago state road at the Sugar grove.

SEC. 2. The commissioner shall, on the first Monday in April next, after taking an oath faithfully and impartially to discharge the duties assigned him in this act, proceed to view, mark and locate the road aforesaid, and shall within thirty days after the location of the same, file a report of his proceedings in the clerk's office in the county of Tippecanoe, which report shall be recorded in the record book of the board doing county business within twenty days after filing the same; said board shall cause the road to be opened any width not exceeding forty feet and made agreeably to and under the several acts that now are or may hereafter be in force relative to opening and repairing public roads and highways.

SEC. 3. Should any vacancy occur by death or otherwise, the board doing county business in the county of Tippecanoe, shall have

power to fill such vacancy and such person so appointed, shall in all cases, be governed by the provisions of this act.

Sec. 4. The board doing county business in the county of Tippecanoe shall make such allowance to said commissioner as they may deem reasonable for his services to be paid out of the county treasury.

This act to be in force from and after its passage.

CHAPTER CLX.

AN ACT to establish a state road from Alexander Cox's in Morgan county to Indianapolis.

(APPROVED FEBRUARY 7, 1835.)

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Alexander Cox's in Morgan county by way of John Butterfield's and William Landers' to the bridge across White river at the national road, be and the same is hereby declared and established a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CLXI.

AN ACT to vacate a part of the Brookville and Connersville state road.

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road from Connersville to Brookville, located by William Beckett and James Blackledge, commissioners appointed to locate the same under an act approved December the twenty seventh, one thousand eight hundred and thirty three, as lies between Connersville and West Union, be, and the same is hereby vacated.

Sec. 2. The old county road from Connersville to West Union, is hereby declared a state road and shall hereafter be taken and considered as a part of the state road from Connersville to Brookville.

CHAPTER CLXII.

AN ACT to vacate the state road from Hill's mill in Rush county, to Samuel A. Hall's in Hancock county and Resin Davis' in Shelby county.

(APPROVED JANUARY 26, 1835.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana* That the state road from Hill's mills in Rush county, to Samuel A. Hall's in Hancock county, to Resin Davis' in Shelby county, be, and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXIII.

AN ACT to vacate part of a certain state road therein named.

[APPROVED JANUARY 26, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the Mooresville, Danville and Crawfordsville state road as lies between Danville and Charles Hardwick's horse mill, be and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

AN ACT to declare a certain county road therein named, a state road.

[APPROVED FEBRUARY 7, 1835.]

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Lafayette, in Tippecanoe county, to the crossing of the Middle fork of Wildcat creek, at Esquire McCurdy's mill, thence up the Middle fork of Wildcat creek, on a section line to the boundary line between Tippecanoe and Clinton counties, at the mill of Daniel Underhill, thence to Rossville in Clinton county, thence to the Michigan road, two miles north of the line dividing townships number twenty two and twenty three. And the county road leading from Versailles in Ripley county, on a direct route to Napoleon in said county, be, and they are hereby declared to be state roads.

This act to be in force from and after its publication.

CHAPTER CLXV.

AN ACT to declare a certain county road therein named a state road.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Bloomington to James Harrah's in Owen county, be, and the same is hereby declared to be a state road, and that Abram Buskirk be a commissioner to view said road and make any slight changes in the same that the public interest may require, and that he, after taking an oath faithfully to discharge his duties shall proceed forthwith to view the same and make report thereof to the board doing county business in the county of Monroe, and the board aforesaid shall for his services aforesaid, allow him a reasonable compensation, to be paid out of the county treasury of said county; to enable them to do which, he shall at the time of filing his report, also file his account of the number of days he was engaged, and the number of hands, if any, by him employed; and the board aforesaid shall cause the same to be opened and kept in repair as other state roads are in said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXVI.

AN ACT to declare the road leading from Rome in Perry county in the direction of Fredonia in Crawford county, a state road, and for other purposes.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the road leading from Rome in Perry county by Daniel Taylor's from thence to the crossing of Poison creek at the four mile post on the old vacated state road which led from Rome to Fredonia, and from said four mile post to the crossing of Old creek, near William Myres' in Union township, in the direction of Fredonia to the line running between Perry and Crawford counties, be and the same is hereby declared a state road.

SEC. 2. The board doing county business in the county of Perry are hereby authorised and required by themselves or the road commissioners in said county, to demand and receive of George Ewing, commissioner of the road authorised to be established from Rome in Perry county, to Petersburg in the county of Pike, whatever amount that was appropriated by the act in which he is appointed a commissioner, remains unexpended in establishing said road.

SEC. 3. The unexpended balance when received from said commissioner shall be expended in improving roads in said county, under the direction of the board doing county business.

This act shall be in force from and after its publication in the Indiana Democrat.

CHAPTER CLXVII.

AN ACT to declare certain county roads therein named, state roads.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the county road running from Richmond in Wayne county in the direction to Liberty in Union county as lies within said county of Union, commencing at a point where said county road crosses the northern boundary line of said county near George Hunt's farm and running thence to the Cornersville and Liberty state road, where the state road from Centreville to Liberty intersects said road, and also the Coffee creek road in Jennings county, be and the same are hereby severally declared to be state roads.

SEC. 2. That the boards doing county business in and for said counties of Union and Jennings shall respectively cause said roads to be opened and kept in repair any width not less than forty feet under the requirements of the present road laws now in force in said counties of Union and Jennings respectively.

This act to be in force and take effect from and after its passage.

CHAPTER CLXVIII.

AN ACT declaring a county road leading from Moresville in Morgan county to Peter Andrews' in Shelby county a state road.

(APPROVED JANUARY 29, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Moresville in Morgan county via Morgansford on White river, to Peter Andrews' old place on the Michigan Road in Shelby county; be, and the same is hereby declared to be a state road and shall be opened and kept in repair as other state roads.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXIX.

AN ACT declaring certain roads therein named state roads.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Boonville past Miller's mills in Warrick county through Vanderburgh county to New Harmony in Posey county; and the road leading from Leavenworth via the place formerly occupied by Charles Lynch till it intersects the Princeton state road at or near where said road crosses Little Blue river in Crawford county, be and the same are hereby declared to be state roads.

CHAPTER CLXX.

AN ACT to declare a certain road therein named a state road, and for other purposes.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the road commencing at Main and Poplar streets in the town of New Washington, Clark county, thence with the Madison road one half mile to the forks thereof; thence with the public road by way of Jacob Fouts', Esq., Joseph Sullivan's, John Dickey's, and thence to Lexington in Scott county, be, and the same is hereby established and declared a state road.

SEC. 2. That James M'Henry of the county of Clark, be, and he is hereby appointed a commissioner to relocate and change a part of the state road leading from New Washington to Bethlehem, so as to establish the same upon the following route, to wit: beginning at a turn in the lane of Thomas Dougan, opposite to said Dougan's house on the north of said road; thence east with the township line of towns one and two to the eastern part of Michael H. Roe's farm; thence north-east, intersecting said state road at or near the mile post six miles from Bethlehem; a plat of which relocation when made, the said commissioner shall file in the clerk's office of the county of Clark, to be by said clerk recorded in the records of his county; and when the part of said road as relocated is opened, so much of the old road as lies between the extreme points aforesaid shall be and become vacated. The said commissioner before entering upon the discharge of his duties shall take an oath for their faithful discharge; and shall perform those duties during the month of April next, for which services he shall be allowed a reasonable compensation by the board doing county business for the county of Clark.

The road so as above relocated shall be opened and repaired as other roads are.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXI.

AN ACT to authorise the relocation of the state road from Marion in Grant county to the town of Wabash in Wabash county.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Dunn of the county of Grant, be, and he is hereby appointed a commissioner to review and relocate so much of the state road from Marion in Grant county to the seat of Justice of Elkhart, as lies between Marion and Wabash aforesaid.

SEC. 2. Said commissioner, prior to the first day of June next, shall proceed from said town of Marion to view said road to the town of Wabash; and if upon said examination and review the commissioner should think that it would conduce to the public good to change said road and relocate the same or any part thereof, he is hereby authorised to employ a surveyor and sufficient assistants and proceed to relocate said road or any part thereof, keeping in view the most suitable ground and the nearest direction that can be obtained.

SEC. 3. Within sixty days after the relocation of said road the commissioner aforesaid shall file in each of the clerk's offices of Grant and Wabash counties a plat of so much thereof as shall be in their respective counties; after which the said road as now located shall be vacated, or such parts thereof as shall be changed by said commissioner.

SEC. 4. The county commissioners of Grant and Wabash counties shall severally allow to the road commissioner, surveyor and other assistants a reasonable compensation for their services, which shall be paid by them out of their respective county treasuries, in proportion to the distance the road runs in the respective counties.

CHAPTER CLXXII.

AN ACT to authorise the location of a state road from Indianapolis to the Strawtown road.

(APPROVED FEBRUARY 6, 1835)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Charles White of the county of Hamilton, be, and he is hereby appointed a commissioner to mark and locate a state road commencing at Indianapolis; thence to the broad ripple; thence to Westfield in Hamilton county; thence on the nearest and best way to intersect the state road leading from Strawtown in Hamilton county to Miamiesport at or near a farm commonly called the Bacon farm.

SEC. 2. The commissioner aforesaid shall attend at the town of Indianapolis, on the first Monday in May next, or some subsequent day that he may determine on, and after taking an oath or affirmation faithfully to discharge the duties required of him by this act, shall proceed to view and mark said state road between the points aforesaid, on the nearest and best way the ground will admit, and said commissioner shall, within thirty days after the location thereof cause a report, together with the field notes of said road to be filed in each of the counties of Marion and Hamilton; which report, together with the field notes, shall be recorded by the clerks of the said several counties, in the record books of the boards doing county business, within ten days after the same shall be filed as aforesaid.

SEC. 3. The commissioner aforesaid is hereby authorised [to employ] a competent surveyor and other necessary hands to assist in the location of said road, and the board doing county business in the several counties of Marion and Hamilton, shall make such allowance to ments of Congress and of the several states and territories, bearing on said commissioner, surveyor and other hands necessarily employed, as they shall deem reasonable, to be paid out of any moneys in the treasuries of the aforesaid counties not otherwise appropriated; each county to pay its proper proportion of said expense according to the work and labor performed within said counties and no more.

SEC. 4. Should the said commissioner herein named refuse to qualify, or his appointment become vacant by death or otherwise, it shall be the duty of the board doing county business in the said county of Hamilton to appoint some suitable person to fill his vacancy, who shall be governed in every respect by the provisions of this act.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CLXXIII.

AN ACT to authorise the location of a state road from Manheim in Adams county, to the eastern boundary of this state, in a direction to Wilschire in Ohio.

(APPROVED FEBRUARY 7, 1835)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Renolds, of Adams county, be, and he is hereby appointed commissioner to view, mark and locate a state road commencing at Manheim, in Adams county, and from thence on the most direct route the ground will admit of, to the eastern boundary of the state, at or near the town of Wilschire in the state of Ohio.

SEC. 2. The said commissioner shall meet at the town of Manheim, on some day previous to the first day of July next; and the whole of the proceedings in relation to the surveys and expense of said location, shall be regulated in the same way that it would if said road run all the way through Allen county, agreeably to the provisions of an act entitled an act defining the duties of commissioners appointed to locate state roads, and for other purposes, approved February 1, 1834.

CHAPTER CLXXIV.

AN ACT to authorise the location of a state road from La Grass in Wabash county, to Economy in Wayne county.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Miller Halsted of the county of Wabash, and Allen Hatt of the county of Randolph, be, and they are hereby appointed commissioners, to view, mark, and locate a state road from La Grass, in Wabash county, to Economy in Wayne county.

SEC. 2. Said commissioners shall meet at the town of Lagro, on the first Monday in April next, or some subsequent day that they may agree upon, and proceed to locate said road on the nearest and best route for a road, between the aforesaid points.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXV.

AN ACT to locate a state road from Rockport to the head of French Island.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William Carter of Spencer county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Rockport in Spencer county, by way of John W. Graham's thence to Abraham Strikers' on the Ohio river, thence to the head of French Island, thence to Baker's creek bridge, intersecting a state road running from Rockport to Evansville.

SEC. 2. It shall be the duty of said commissioner on the first Monday of March next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by the provisions of this act, to proceed to view, mark, lay out, and locate said road; and shall within thirty days after making said location, cause a report thereof to be filed in the clerk's office, which report shall, within ten days thereafter, be recorded in the record book of the board doing county business.

SEC. 3. It shall be the duty of the board doing county business to cause the same to be opened any width not exceeding thirty feet, and made agreeably to and under the provisions of the several acts that now are or hereafter may be in force relative to opening and keeping in repair roads and highways.

SEC. 4. That in case of a vacancy by death, removal, resignation, or refusal to serve of the said commissioner, it shall be the duty of the board doing county business to fill said vacancy by appointment at their first meeting after said vacancy may occur.

This act to be in force from and after its passage and publication.

CHAPTER CLXXVI.

AN ACT supplementary to an act entitled "an act to amend an act to re-locate a part of the state road from Leavenworth to Paoli, approved February 1, 1834," and likewise to amend an act entitled "an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved February 1, 1834."

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Kinsey Veach, Robert Yates and Laban Gregory, of Orange county, be, and they are hereby appointed commissioners to aid and assist the commissioners appointed by the second section of the act to which this is an amendment. And the said Kinsey Veach, Robert

Yates and Laban Gregory shall have the same power, and be governed by the same regulations as if their names had been inserted in said section, as commissioners to re-locate [the] state road in said section named.

This act to be in force from and after its publication in the Indiana Democrat.

CHAPTER CLXXVII.

AN ACT supplemental to an act entitled an act to change a part of the state road leading from New York in Switzerland county, to intersect the state road leading from Vevay in said county, to Versailles in Ripley county, approved January 15th, 1834.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time given in the act to which this is a supplement, to the commissioner named in said act, to make report of his proceedings as such commissioner, to the board of county commissioners of the county of Switzerland, be, and the same is hereby extended to the first day of October, 1835.

This act to be in force from and after its passage.

CHAPTER CLXXVIII.

AN ACT supplemental to an act entitled "an act to re-locate a state road therein named," approved December 24, 1834.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the old or present state road between Jacob Horner's, on the east side of the Fredericksburgh bridge, in Washington county, and a point on said road one mile west of said bridge, mentioned in the act to which this is a supplement, shall not be vacated until after the next session of the General Assembly of this state.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

AN ACT to amend an act entitled "an act to locate certain State roads therein named, approved February 1st 1834.

(APPROVED FEBRUARY 7, 1834)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Obediah Winters of Owen county, be, and he is hereby appointed a commissioner, to review, mark and relocate so much of the state road named in the first section of the act to which this is an amendment as lays between Alexander Goodwins mill in Owen county and New Brunswick in Clay county, so that the same shall pass the nearest and best rout between said point by way of Henry Little John's mill, and that said commissioner shall be governed by the act to which this is an amendment as the commissioners heretofore appointed should have been governed and the provisions of said act shall in all respect govern the county commissioners and clerks of said countiess of Owen and Clay, and when said road is so located and opened the former location shall be vacated,.

This act to take effect from and after its publication.

CHAPTER CLXXX.

AN ACT to amend an act entitled an act to locate a state road from Greencastle in Putnam county, to Carlisle in Sullivan county by the way of Manhattan in Putnam county, and Bowlinggreen and New Brunswick, in Clay county.

(APPROVED JANUARY 3, 1833.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Luke Waters of Hadden township and Thomas Mahon of Jackson township in Sullivan county be and they are hereby appointed commissioners to review so much of the above named road as lies in said county of Sullivan and to make such alterations as the public convenience may require provided however that Caledonia in said county shall be made a point in said road, the commissioners aforesaid shall previous to entering upon the discharge of their duties take an oath faithfully to discharge the same, and they shall make report of all their proceedings to the board doing county business in said county, who shall cause said road to be opened and kept in repair as other state roads in said county, and the board aforesaid shall allow a reasonable compensation to the said commissioners for their services, and the hands (if any) by them employed to be, paid out of the county treasury of said county to enable them to do which the commissioners aforesaid, shall file at the time of making their report aforesaid their account for their services: *Provided* that if the commissioners shall be of the opinion that it will be to the interest

of the public to vacate that part of the above mentioned road that lies between the line of Sullivan county and Carlisle, and make Caledonia a point, they shall locate a road from any point on the above mentioned road in Sullivan county to Caledonia and no further.

This act to be in force from and after its passage.

CHAPTER CLXXXII.

AN ACT to amend an act entitled "an act to re-locate a part of the state road from Levenworth to Paoli," approved February 1st, 1834, and likewise to amend an act entitled, "an act to establish a state road from Rome in Perry county to Paoli in Orange county," approved February 1st 1834.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards doing county business in the counties of Orange and Crawford shall cause the state road leading from Levenworth to Paoli to be opened any width not exceeding forty-eight feet, and made agreeably to and under the several acts, that now are or may be in force relative to the opening and keeping in repair roads and highways.

SEC. 2. That Isaac Sands of Crawford county and Clement M-Daniel of Orange county, be, and they are hereby appointed commissioners to relocate so much of the state road leading from Rome in Perry county to Paoli in Orange county, between Robert Yates, in Crawford county and Paoli in Orange county, as may by them be deemed expedient.

SEC. 3. The said commissioners on the third Monday of March next, or any subsequent day they may determine on, after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to relocate said road between the points aforesaid.

SEC. 4. Said commissioners shall within thirty days after the relocation of said road cause a report of said relocation to be filed in the clerk's office of the county in which said relocation may be made, which shall be recorded by said clerk in the record book of the board doing county business within ten days after the same may have been filed as aforesaid.

SEC. 5. Should a vacancy occur by death refusal to qualify or otherwise of either of said commissioners, it shall be the duty of the board of commissioners of the county in which the same may occur to appoint some suitable person to fill the same.

SEC. 6. The boards doing county business in the said counties of Orange and Crawford shall make such compensation to said commissioners for their said services as they may deem just, to be paid out of their respective treasuries; and cause said road so relocated to be

opened any width not exceeding forty feet, and made agreeably to and under the several acts, that now are or may be in force relative to the opening and keeping in repair roads and highways.

SEC. 7. The commissioners herein named shall in all cases, not otherwise specified by this act, be governed by the act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February 1st 1834.

This act to take effect and be in force from and after its publication in the Indiana Journal or Indiana Democrat.

CHAPTER CLXXXII.

AN ACT to make a state road from Versailles to Rockford.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Elliott of Jennings county and Seth Green of Ripley county, be, and they are hereby appointed commissioners to mark, locate, and lay out a state road from Versailles to Zenas, thence by Adam Kellar's to Scipio; and for that purpose, said commissioners may, if they deem it expedient, employ a surveyor and chain carriers. Any location or survey, made under the direction of said commissioners, shall by them be returned to the board of county commissioners of the proper county, and by the county boards be recorded in their record books. The county boards may, if they deem it expedient, order said road to be opened any width not exceeding forty feet.

SEC. 2. The commissioners may select their own day, time, and place, for commencing the duties hereby assigned them.

SEC. 3. The respective boards of county commissioners shall make their proper commissioner, for service rendered, such allowance as may be reasonable, and order payment to be made to the surveyor and chain carriers out of the proper county funds, in proportion to the distance of road surveyed in the proper county.

SEC. 4. The present county road from Scipio to Rockford is hereby declared to be a state road.

SEC. 5. This act to take effect and be in force from and after its publication.

CHAPTER CLXXXIII.

AN ACT to make a state road from Rockford to Jackson's Saline.

(APPROVED JANUARY 26, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Kester of Jackson county and David Cody of Bartholomew county and William Jackson of Monroe county, be, and they are hereby appointed commissioners with full power and authority to view, locate, and establish a state road from Rockford in Jackson county to Jackson's Saline in Monroe county, in the general direction of Bloomington and Martinsville.

SEC. 2. At any convenient time after the taking effect of this act, the said commissioners shall each take an oath or affirmation before some officer authorised and empowered by law to administer the same, well, faithfully, and impartially to do, perform, and discharge the duties of such commissioners; a certificate of which oath or affirmation, attested by one of the clerks of the boards doing business of said counties, or authenticated by any other officer authorised to administer the same, shall be filed in each of the offices of said clerks; and the said commissioners, or a majority of them, being so qualified as aforesaid, shall proceed to view, locate, and establish said road the nearest and best way.

SEC. 3. The road shall commence on the Bethlehem state road, at or as near the town of Rockford as may be necessary, and shall terminate on the Columbus and Bloomington state road at or as near to the Jackson's Saline as may be necessary; and shall be at least as wide as the said Bethlehem state road, and the said Columbus and Bloomington road from the place of the intersection thereof by the road as first above mentioned, thence to Bloomington, shall be of equal width with the Bethlehem state road.

SEC. 4. A vacancy of any of said commissioners occasioned by any means whatever, shall be filled by appointment by the board doing business of any of the aforesaid counties, where the same may happen.

SEC. 5. The said commissioners may employ such necessary agents and assistants as may be necessary in and about the laying out said road; and shall file a plat thereof in the offices of each of said clerks, whose duty it shall be to record the same.

SEC. 6. The said commissioners, any or either of them, may receive any donations or appropriations, or subscriptions, or agreements, for the payment thereof, which may be collected and recovered by action at law or otherwise; and shall expend and apply the same to make and improve said road, and shall settle with the board doing business of the county in which the expenditures and applications may be made; and for every violation or neglect of duty, the said commissioners, any or either of them, shall be liable to an action in

the name of the state for the use of said commissioners for damages to be applied on said road as aforesaid.

SEC. 7. The said commissioners, their agents and assistants, shall each be allowed a reasonable compensation by the board doing business of any county in which said road or any part thereof may be so established for his services during the time the claimant of such compensation may or shall have been necessarily engaged in [and] about the locating and establishing said road as aforesaid in such county; and the certificate of the said commissioners, or a majority of them, that the claim, specifying the particulars of the demand, of any of said commissioners, agents, or assistants, is correct and just, and the same ought to be allowed, shall be presumptive evidence thereof: and the said claim, or so much thereof as may be allowed by the board, shall be paid out of the three per cent. or any other funds of said county.

SEC. 8. It shall be the duty of the boards doing county business in the counties through which said road may pass, to cause so much of said road as runs through their respective counties to be opened and kept in repair agreeably to, and under the provisions of the several acts which now are or may hereafter be in force for opening and repairing public roads and highways.

SEC. 9. That Seth M. Chase be appointed to mark and lay out a state road from the town of Vernon to Rockford as a continuation and part of said road; for which service the board [of] county commissioners of Jennings county shall make said commissioner a reasonable allowance to be paid out of any funds belonging to said county. Should said Chase fail or decline to serve, the board of county commissioners may fill such vacancy; and on return of such location, the board of county commissioners of said county may order so much as lies within said county to be opened not exceeding forty feet in width.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXXIV.

AN ACT to alter a part of the Mooresville and Crawfordsville state road lying between Mooresville and the National Road in Hendricks county.

[APPROVED JANUARY 29, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That a part of the state road leading from Mooresville to the national road, be, and the same is hereby altered as follows: leave the state road at Jesse Woodward's shop, thence along the old county road from Jesse Woodward's shop to James Moon's fence; and so much of said state road as is hereby altered, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXV.

AN ACT to alter and change a part of a state road therein named.

[APPROVED DECEMBER 24, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road leading from Boonville to Rockport, as lies between Hiram's creek in Spencer county, and George Stale's farm, be so changed and altered as to pass the house of Thomas Huckleman: and the board doing county business for said county are hereby authorised to appoint any suitable person to lay off and mark said altered part; and upon return of his proceedings the same shall be opened and kept in repair as in other cases; and the said part of said state road so changed shall be vacated.

CHAPTER CLXXXVI.

AN ACT to change a part of a state road in Posey county.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the road leading from First Cross street, in Main street, at Stewart's corner, in the town of Mount Vernon, up to the intersection of Third Cross street with said Main street; thence east with said Third Cross street to the county road leading from Moses Welborn's said cross street, to the county road leading from Moses Welborn's to William Oliver's, be, and the same is hereby declared to be a state road, to be opened and repaired as other state roads of a width not less than twenty-five nor more than sixty feet.

SEC. 2. That that part of the state road which lies between William Oliver's and First Cross street in the town of Mount Vernon, be, and the same is hereby declared to be vacated.

SEC. 3. That the appropriation heretofore made, for the building of a bridge across M'Fadin's creek, on the state road leading from Fredonia to the mouth of the Wabash, be, and the same is hereby applied to the erection of a bridge across said creek, on the state road leading from Moses Welborn's to William Oliver's.

SEC. 4. Should there be a surplus of said appropriation, after the building of said bridge, the same to be applied to the opening and repairing of said last mentioned road.

SEC. 5. The board doing county business shall appoint a commissioner to receive said appropriation, the said commissioner giving bond with approved security for the faithful disbursement of the same according to law.

This act to take effect from and after its publication.

CHAPTER CLXXXVII.

AN ACT to provide for the location of a state road from Marion in Grant county to Huntington.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Reason Malott of the county of Grant, be, and he is hereby appointed a commissioner to view, mark and locate a state road beginning at Marion; thence to a point on the road leading from Marion in Grant county to Goshen, where said road crosses Spring branch near the farm of the said Reason Malott; thence on the nearest, route and most suitable ground to the town of Huntington in Huntington county.

SEC. 2. The said commissioner shall, on the first Monday in April next, or on some subsequent day, first taking an oath or affirmation faithfully to perform his duty, proceed to view, mark and locate said road, taking to his aid, if necessary, a surveyor, marker and chain-carriers.

SEC. 3. The board of county commissioners of the county of Grant, in case of the death or refusal of said commissioner to qualify, shall appoint some other suitable person to perform the duties hereby required of the said commissioner, who shall, in all things, be governed by the provisions of this act.

SEC. 4. The said commissioner shall be allowed the sum of one dollar and fifty cents for each day he may be employed in locating said road, and the surveyor, marker and chain-carriers shall be allowed such sum as may be agreed upon by them and the said commissioner, all of which shall be paid out of any moneys heretofore appropriated out of the three per cent. fund, or which may hereafter be appropriated to the several counties through which said road may pass in proportion to the distance, said road may pass in each county.

This act to be in force from and after its publication.

CHAPTER CLXXXVI.

AN ACT to locate a certain state road.

[APPROVED FEBRUARY 6, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Abraham Howry of Warren county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from the town of Independence in Warren county, thence on the nearest and best ground to intersect the state road from Lafayette to Chicago, at or near where said road crosses Big Pine creek.

SEC. 2. Before entering on the discharge of the duties of his office, the said commissioner shall take an oath before some person legally authorised to administer oaths, faithfully and impartially to discharge the duties of his office as such commissioner.

SEC. 3. So soon as said commissioner shall view, mark and locate said road, he shall return the same to the succeeding term of the board doing county business, to be by them recorded, upon which said road shall be a public highway, and shall be opened and kept in repair as other state roads are.

SEC. 4. The said commissioner shall receive for his services such compensation as the board doing county business of Warren county may in their discretion allow, to be paid out of the county treasury of said county.

This act to be in force from and after its passage.

CHAPTER CLXXXIX.

AN ACT to legalize the proceedings of the commissioners of a certain state road therein named.

[APPROVED FEBRUARY 7, 1835.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the commissioners appointed by an act of the General Assembly of this state, approved January 29th, 1833, to survey, mark, and locate a state road from the South Bend in St. Joseph county, by the mouth [of] Elkhart river in Elkhart county, and the county seat of Lagrange county to the east line of this state in a direction of Vistula on the Maumee bay in the state of Ohio, be and the same is hereby legalized, so far as they would have been, had they filed a report of their proceedings in the clerk's office of Lagrange county, as required by said act: *Provided,* the said commissioners file a report of their proceedings in the clerk's office of Lagrange county at any time before the first day of August, 1835; which report the clerk of said

county of Lagrange is hereby authorised and required to record in the same manner as he would have done by the above recited act.

This act to take effect and be in force from and after its publication.

CHAPTER CXc.

AN ACT to legalize the proceedings of the commissioner of a certain state road therein named, and for other purposes.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, the commissioner appointed by an act to establish a state road from Rockville, in Parke county, via the narrows of Sugar creek, to Lafayette in Tippecanoe county, approved January 28, 1833, failed to locate the said road within the time prescribed by law, and also failed to file a report of the survey and plat of said road in the clerks' offices of the counties through which the said road passed, but at a subsequent time located said road and made returns thereof: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the location of said road is hereby legalized and established as fully and completely as if the said commissioner had made the said location at the time prescribed by law, and the boards doing county business of the several counties through which said road runs, shall govern themselves accordingly.

Sec. 2. The board doing county business in Tippecanoe [county] are hereby authorised, if they think proper, to appropriate any sum not exceeding fifty dollars, out of any three per cent. fund belonging to said county, to that part of the state road leading from Lafayette to Sugar Grove, which passes through the unorganized territory attached either to the county of Tippecanoe, Warren or White.

Sec. 3. That so much of the state road leading from Morristown via Noblesville, to, at or near Kirk's prairie, as lies in the county of Clinton, be, and the same is hereby legalized and established as fully and completely as if the report of the survey of said road had been filed in the clerk's office of Clinton county, as required by the act authorising the location of the same; and the board doing county business in the said county of Clinton, shall cause the said road to be opened and repaired agreeably to the act for opening roads and highways.

This act to take effect and be in force from its passage.

CHAPTER CXLI.

AN ACT to revive and continue in force a part of a certain act therein named

[APPROVED FEBRUARY 7, 1835.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixth section of an act entitled "an act to re-locate that part of the state road leading from Madison to Lawrenceburgh, which lies between the line dividing the counties of Jefferson and Ripley, and thence to the cross plains in Ripley county," approved January 19, 1830, be revived and continued in force for the term of two years.

Sec. 2. That the commissioners appointed under the provisions of said section be required, when they locate the road therein named, to make James Hill's mill a point, and some point at or near Edward S. Ayres' the termination; and so much of said section as requires a return to be made by a given period, be hereby repealed.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXLIV.

AN ACT explanatory of an act to locate and establish a state road from Greensburgh to the falls of the Ohio river, approved February 1, 1834.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, by an act passed at the last session of the General Assembly approved February 1, 1834, Maurice Baker and Samuel Finical of Jennings county, and Andrew Wilson of Jefferson county, were appointed commissioners to locate and establish a state road from the point where the present state road from Greensburgh to Madison crosses the Decatur line; thence by Zenas and Vernon and Paris in Jennings county, and Lexington in Scott county, so as to intersect the state road leading from Lexington to Charlestown, and from thence to the falls of the Ohio river: and Whereas, said commissioners, did proceed after the intersection of the last named road, in violation of the strict letter of the law, to the contrary notwithstanding, to view, mark and re-locate said road from Lexington to Charlestown and from thence to the falls of the Ohio river: and Whereas much dissatisfaction prevails among the citizens of Clark county, in consequence of an express determination of the aforesaid commissioners to change said road, for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners as aforesaid shall not be authorised or permitted to make any change or alteration in any part of said road that lies in

Clark county, and said road shall remain as it was located in the original survey.

SEC. 2. That any alteration which may have been surveyed and marked out by the aforesaid commissioners through the county of Clark under the law of last session, so as to change the said road or any part thereof, be and the same is hereby declared to be a nullity and in contravention with said act.

This act to take effect and be in force from and after its passage.

CHAPTER CXCIH.

AN ACT to extend a state road to Haydon's ferry.

(APPROVED FEBRUARY 6, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana* That the state road leading from Princeton, via Booneville, to the Ohio river opposite the Yellow banks, is extended on the margin of the river bank to intersect a state road at Haydon's ferry leading from said ferry to Rockport.

This act to be in force from and after its publication.

CHAPTER CXCI.

AN ACT to transfer the appropriation of certain moneys therein named.

(APPROVED JANUARY 17, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of one hundred dollars and thirty one cents, now in the hands of William McCormack of Daviess county, by virtue of an act passed the 3d day of February 1832, entitled "an act to appropriate the amount of three per cent. fund heretofore appropriated to Daviess county for road No. six, to certain purposes therein named," (said sum not having been expended according to the provisions of said act,) be hereby transferred and appropriated, to pay for the building of a bridge, recently erected by the said William McCormack, over Veils creek, in said county, under the following provisions viz; that three disinterested mechanics be appointed by the board of county commissioners for said county, to make an estimate of the value of said bridge, and return to said commissioners their appraisal thereof, authenticated by their affidavit, made before some justice of the peace, of the correctness and reasonableness of said appraisal according to the best of their skill and judgment;

whereupon the said commissioners shall issue an order authorising the said William McCormack to retain so much of said sum to his own use, as the report of said appraiser shall declare him entitled to, as a full compensation for the building of said bridge.

SEC. 2. *And be it further enacted,* That the said appraisers shall be entitled to the sum of one dollar per day for their services, in making said appraisal, to be paid by the said William McCormack, to the order of said commissioners, in favor of said appraisers; but if the aforesaid sum of one hundred dollars and 31 cents should be insufficient to discharge the amount of said appraisal and the compensation to the appraisers; then the said commissioners are hereby authorised and required to issue an order on the Agent of the three per cent. fund of said county, for the amount of said deficiency to be paid out of any moneys in his hands belonging to said fund and county, and not otherwise appropriated.

SEC. 3. *And be it further enacted,* That should any balance of the sum aforesaid remain in the hands of the said William McCormack, after paying for said bridge and the cost of appraisal as aforesaid, the same shall be subject to the order of the county commissioners aforesaid for the use of Daviess county.

This act to be in force from and after its passage.

CHAPTER CXCV.

AN ACT to repeal a part of the first section of an act locating a State road from Terre Haute by way of Rockville to Crawfordsville.

(APPROVED DECEMBER 24, 1834.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the first section of an act "approved January 31, 1832," as relates to the commencement of the Terre Haute and Crawfordsville State road, which declares the same shall commence at a point within two miles south of the county line dividing Parke and Vigo counties is hereby repealed.

SEC. 2. The point at which the said road intersects the Terre Haute and Lafayette state road as located by Austin M. Puett, (he being the commissioner authorised by the act of January 31, 1832, to make said location) shall be so changed as to commence at the north-west corner of the north-west quarter of section one, in town thirteen, north of range nine west; thence to continue due east until it intersects the location made by the aforesaid commissioner.

This act to take effect and be in force from and after its passage.

CHAPTER CXCVI.

AN ACT to vacate a part of the State road leading from Corydon in Harrison county to Troy in Perry county and for other purposes.

(APPROVED FEBRUARY 7, 1835.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the state road leading from Corydon in Harrison county to Troy in Perry county be and the same is hereby vacated, from Troy to its intersection with the county road leading from Rome to Troy, and that the said county road from the intersection, is hereby declared a state road to Troy.

This act to take effect and be in force from and after its publication.

MEMORIALS

AND

JOINT RESOLUTIONS.

CHAPTER I.

A JOINT RESOLUTION on the subject of the boundary line between Indiana and Michigan.

(APPROVED FEBRUARY 7, 1835.)

MR. BIGGER, from the select committee to which was referred so much of the message of his Excellency the Governor, and accompanying documents as relates to the boundary between this state and the territory of Michigan, made the following report:

The subject submitted to the consideration of the committee is one of great importance to the state of Indiana. A portion of territory ten miles in width, extending across the entire breadth of our northern boundary, embracing a most fertile tract of country, and that part of Lake Michigan which we have been taught to prize as all important to the trade, commerce and agricultural interests of the northern part of the state, and which we have always regarded as properly secured to us by the ordinance of 1787, by the law of Congress authorising us to form a state government, and by the express acceptance and ratification of the terms of that law by the convention who met to form a constitution for the government of this state—has been claimed in positive terms by the territory of Michigan. Duly impressed with a full sense of the importance of this question, the committee has endeavored to bestow all the attention upon it which its magnitude demands.

The various points relating to the boundary between Ohio, and Indiana, and the Michigan territory, have undergone much discussion, and numerous documents containing the arguments and views of the contending parties have been published and laid before us; but in the opinion of the committee it is unnecessary to waste time in even enumerating them. The committee, however, are induced to make

an exact and connected recital of those parts of the several enactments of Congress and of the several states and territories, bearing on this subject, especially as it is found on an examination of what is said and written on both sides, that in referring to those enactments, words apparently of a similar import are frequently used, but which in their application, favor conclusions that the exact text does not warrant;—believing at the same time that this recital will of itself furnish one of the strongest arguments in favor of the claims of Indiana.

The committee deem it unnecessary in the investigation of this subject to go farther back than the ordinance of Congress, approved July 13, 1787, proposing to Virginia a change in the terms of the cession of the north-western territory. That part of it material to the present controversy is as follows:—

ARTICLE 5. There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows, to wit:—the western state in said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers, a line drawn from the Wabash and Post Vincents, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by the direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line; the eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line: Provided, however, and be it further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of said territory which lies north of an east and west line, drawn through the southerly bend or extreme of Lake Michigan.

The state of Virginia by an act passed Dec. 30, 1788, after reciting the aforesaid fifth article, "assents to the proposed alteration, so as to ratify and confirm the said article of compact."

By an act of Congress, approved May 7, 1800, it is provided in the first section, "that from and after the 4th day of July next, all that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite the mouth of the Kentucky river, and running thence to Fort Recovery, and thence north, until it shall intersect the territorial line between the United States and Canada, shall for the purposes of temporary government, constitute a separate territory, and be called [the Indiana territory.]"

[The next in order is the act of Congress, approved Jan. 11, 1805, dividing the Indiana territory into two separate governments, and

establishing the territory of Michigan; which provides, "that from and after the 30th day of June next, all that part of the Indiana territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States, shall for the purposes of temporary government, constitute a separate territory and be called] Michigan."

In the year 1800, the Indiana territory was divided into the territories of Indiana and Illinois.

In the year 1816, was passed the act of Congress to enable the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the other states; the second section of which provides "that said state shall be bounded on the east by the meridian line which forms the western boundary of the state of Ohio, on the south by the river Ohio, from the mouth of the Great Miami, to the mouth of the river Wabash, on the west by a line drawn along the middle of the Wabash river, from its mouth to a point to where a due north line drawn from the town of Vincennes would touch the north-western shore of said river, and from thence by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan, on the north by said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the state of Ohio."

The convention which met to form a constitution for the state of Indiana, passed an ordinance, June 29, 1816, accepting the terms proposed in the last mentioned act of Congress, and ratifying, confirming, and establishing the boundaries therein prescribed, and laid down for the state of Indiana.

Michigan founds her claim to the territory in dispute between her and Indiana, upon the authority of the 5th article of the ordinance of 1787, and the act of Congress of 1805, insisting that what she calls the "fundamental" line running east and west "through the southerly bend or extreme of Lake Michigan," shall be recognized as the true line of division between her in her right, as the State of Michigan, and the states of Indiana and Ohio. This brings us at once to the discussion of the question, through what point this "fundamental" line should pass.

These inquiries are first presented for our consideration—Did Congress in the ordinance of 1787, in describing the boundary between what now constitutes the states of Indiana and Ohio on the one side, and the Territory of Michigan on the other, establish that boundary on a fixed, determinate, and immovable line; or does not the very language which is used in the ordinance, and in the subsequent enactments on this subject expressly convey the idea that the exact point was left to be fixed at some future period, and has it not been estab-

lished through a point warranted by the express terms of the ordinance itself?

In the opinion of the committee the ordinance of Congress, giving it that fair and liberal construction which is given to all laws and compacts of a corresponding character, left the question where the boundary should be definitely established, open to be settled by future compact and legislation. The alternative terms found in the following proviso, contained in the above recited 5th article of the ordinance, to wit: "*Provided, however, and it is further understood and declared, That the boundaries of these three states shall be so far altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line, drawn through the southerly bend or extreme of Lake Michigan.*" certainly cannot be tortured to mean that it was the positive intention of Congress, to require the dividing line between these states to pass through the extreme southern point of the Lake. The committee understands the expression, "southerly bend," to apply to all that curve or bend, in the margin of the lake, from its extreme southern termination extending in a north-western direction, until assuming its full breadth, it bears off towards the north. Upon an examination of the map, it is strikingly apparent that no more appropriate name could be given to that portion of Lake Michigan, than "southerly," or "southern bend." It is well known that those who first visited the unexplored parts of the western country, were constantly in the habit of giving names to a stream or lake, only a particular part of either of them, in consequence of some event associated with it or themselves, at the time of its discovery, or as descriptive of its appearance or situation. On the south of Lake Michigan a bend of the shore extending for many miles, and no name would strike the hunter or emigrant as more expressive of its appearance than southerly or southern bend, and in bestowing on it that appellation, he would only be doing what has been the common practice of his class throughout the west. A name thus bestowed is seldom lost, except where an aboriginal appellation intervenes. It would seem preposterous to suppose that the phrase, *southerly bend* would be applied and confined to one single point of a bend, extending around the whole southern part of the lake. In fact, its use alternately with the word "extreme," in the ordinance itself, and in all the subsequent enactments, until the passage of the law, making provision for the introduction of Indiana into the Union, is conclusive in the minds of the committee, that this boundary between the contemplated states was left to be definitely fixed between the different parties, as might be found expedient.

It is admitted on all sides, that at the time Congress passed the ordinance respecting the territory ceded by the state of Virginia, but little, comparatively speaking, was known of its rivers, its lakes, and its actual extent. So utterly destitute were they of correct information, relative to these matters, that the southern extremity of Lake

Michigan itself, so often named in this controversy, has been found to extend forty or fifty miles farther south than at that time it was supposed. Congress, it is reasonable to be concluded, when speaking of the boundaries of any of the proposed divisions of this country, where the knowledge of their extent and situation was not accurate, and where it had not become necessary to establish their boundaries definitely, would employ such terms and expressions in describing them as this want of knowledge would naturally suggest. The boundaries of these divisions of the ceded territory, which would at some time constitute important members of the Union, were to be settled, and it would be irrational to infer that the Congress which adopted the ordinance of 1787, did not leave ample room for the exercise of such a discretion as might enable any future Congress, having a just regard for the interests of all, to establish the line of division between those states in such a manner as to secure to each an equal participation, as far as practicable, in the advantages of the two great lakes situate within their limits. It would have been partial legislation, indeed, to have given to Ohio so fair a portion of Lake Erie, and to Michigan a most important part of the same lake, and so much of Lake Michigan as to entirely exclude Indiana. We think it would be detracting from the wisdom, sagacity, and impartiality of that Congress, from which the ordinance on this subject emanated, to doubt for a moment that they intended any thing else than a just and equitable distribution of these great natural advantages among the contiguous states—and not knowing exactly through what point the boundary line, necessary to produce so desirable a result, should pass, we easily arrive at the conclusion that that mode of expression was adopted in framing the ordinance, which would confer on any subsequent Congress a discretionary power in settling the question of boundary, and that those terms were selected which were adapted to the common understanding and language of the country, whether derived from a mode of designation used by individuals who were conversant with the localities of the ceded territory, or suggested by the mere inspection of the map.

From a full examination of this part of the subject, the committee cannot hesitate for a moment in asserting, that in their opinion, the territory claimed of Indiana by Michigan, clearly belongs to the former, even by the most strict and rigid construction of the laws and compacts respecting it. The select committee of the executive council of Michigan in their report on this subject, although in their general argument they use the terms, southerly bend and extreme, as synonymous, yet in one part towards the close of their report, place them in contra distinction to each other, where they use this language: "a line ten miles north of the extremity to the southern bend of Lake Michigan, &c." Now we ask nothing more than the boundary line between us and Michigan, to remain as it is at present established—ten miles north of the extremity of this bend; insisting that our claim is in strict conformity with the ordinance itself—the law separating

Indiana and Michigan—the law authorising Indiana to form a state government—and the acceptance and ratification of the boundaries prescribed in that law by our convention.

Much has been said and written respecting the power which congress possesses over the establishment of the disputed line on the ground of expedience. The committee deem it unnecessary to spend much time in the examination of this part of the subject; especially as it has already been extensively and ably discussed on the part of the Ohio delegation, before the judiciary committee in the Senate of the United States, and which is appended to the printed report of that committee. Your committee however, would here remark, that great and lasting injury would be done the state of Indiana, by stripping her of the territory claimed by Michigan. Her whole northern trade and commercial interests, so far as the same is connected with the possession of the lake, would be placed in the power of a strange jurisdiction. And again Michigan already far exceeds Indiana in size; and surely it would not comport with the policy that conferred on congress the power of forming five states, if it should be deemed expedient, instead of three, out of the territory ceded by Virginia, to increase that size. Michigan already possesses much more numerous facilities of navigation in consequence of the lakes with which she is surrounded, than is possessed by either of the other states, with which she is carrying on this controversy. A portion of the ten miles in question, on account of the inducements held out for emigration, the excellence of the country and the anticipated advantages of a prompt and constant market on the lake, has within a few years received an increase in population almost without a parallel. This has taken place under the full belief that the soil was to remain under the jurisdiction of the state of Indiana, and it certainly would not correspond with the spirit of our free and liberal institutions, to transfer these people, and subject them and their property to the laws of another state contrary to their will and against the consent of the government to which they have hitherto been attached.

The object which Congress had in view, in making provision for the formation of five, instead of three states, if deemed expedient, was to prevent their admission into the Union with an extent of territory too great, in proportion to that of the other members of the Federal Government. This discretionary power was subsequently exercised, and the two northern divisions contemplated in the proviso, contained in the fifth article of the Ordinance, were struck off in that part of said territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan. The ordinance does not provide that the one or two states which might be laid off in the north, should be absolutely bounded on the south by this east and west line. It is worthy of remark, that in describing the lines of the three first states, the expressions are positive that each state, shall be bounded by given lines, leaving no room for a discretionary exercise of power. But the moment the

dividing line between these and the northern state or states is introduced, the phraseology is changed. There is no requisition that the latter shall be bounded on the south by an east and west line passing through a given point, but simply that they shall be laid off in that part of the territory north of such line, leaving it with Congress, as we think, to determine their boundaries as might be found expedient. Suppose Congress had deemed it advisable to form four instead of five states out of the ceded territory—do the terms of the Ordinance require that the fourth state should have comprised all that part of said territory north of said east and west line? It certainly could not have been the intention of the individual who framed the Ordinance, nor of the Congress that adopted it, to allow, a discretion as to the number of the states which might be established, and still make it absolutely requisite in case only four were formed, that one of them should contain an extent of territory equal to the other three, as must have been the result, if Congress were not vested with the power of prescribing the limits as well as the number of these additional states. It is the obvious meaning of the Ordinance that they should not extend further south than the southern extremity of Lake Michigan; but it is also loosing sight of all views of sound policy, of expediency, and of the permanent interests of Indiana, and we might also say of Ohio, to contend that Congress is not clothed with a discretionary power, in the formation of these states, with reference to the extent of territory that should be included within the limits of each, and the manner in which the great and important advantages of lake and river navigation should be distributed among them. We are not assuming a new position in contending that this is the true construction of the Ordinance. [This question was long since decided by Congress in our favor.] Michigan is at best asserting but a doubtful right; and surely Congress will not discard that construction, sustained as it has been by a series of legislative enactments upon this subject, and wrest from Indiana a part of the territory which was bestowed, and received in good faith, and which gives value and consequence to the whole northern quarter of the state.

Along with the documents, referred to this committee, is a resolution of the House containing instructions to inquire into the expediency of addressing a memorial to the state of Virginia, calling upon her to ratify the boundaries of Indiana, as designated by the act of Congress authorizing her to form a State Government. The committee, from the examination they have given this part of the subject, are of opinion that there would be an impropriety in requesting Virginia to ratify and confirm any proceedings of Congress, on the assumption that they were not warranted by the authority under which they were assumed to have been done. The General Government and the state of Indiana, as regards the question of boundary, may be considered as standing in the relation of contracting parties. If the terms of the grant of territory to the

people of this State, conflict with the conditions of the cession by Virginia, it is to Congress we must look to procure from that state, the confirmation of the grant of territory to Indiana, if it be necessary, or if it is susceptible of such confirmation. To urge this course, if found requisite and proper, belongs to our delegation in Congress, and we have no doubt they will avail themselves of every reasonable and justifiable means for securing an early adjustment of the point in controversy, in favor of the state which they represent.

The committee, in conclusion, recommend the adoption of the following joint resolutions:

Resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to resist the establishment of the southern boundary of Michigan on a line drawn east and west from the southern extremity of Lake Michigan; and also that they insist upon the present northern boundary of Indiana, as prescribed in the act of Congress of 1818, providing for her admission into the Union.

Resolved, further as the sense of this General Assembly that having the fullest confidence in the wisdom and integrity of Congress, this General Assembly cannot believe that any measure will be adopted by that body, which, by seeking to deprive this state of any portion of her territory as secured to her by the aforesaid act of Congress, and the ordinance of the convention of this state ratifying the same, would without the consent of this state thereto obtained, be unauthorized, unconstitutional and void, and only operate as a pretext for future controversy.

Resolved further, That our senators in Congress be instructed and our representatives requested, in the event of the passage of an act of Congress for the formation of a state in the territory of Michigan, to use their exertions to have incorporated in such act a provision restricting the territory of such state from extending south beyond "an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan."

Resolved, further, That his Excellency, the Governor, be requested to transmit to our senators and representatives in Congress copies of the foregoing report and resolutions.

CHAPTER II.

A JOINT RESOLUTION on the subject of the Militia.

(APPROVED FEBRUARY 7, 1835.)

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to procure the passage of a law,

the provisions of which shall limit the enrollment of the militia to the able bodied free white male citizens of the United States, between the age of twenty-one and forty years, and provide for the more speedy arming and better disciplining of the militia of the several states by the general government, with such other provisions as Congress, in their wisdom, may think proper to adopt, in order to render the militia system more efficient and less burthensome.

Resolved, That His Excellency the Governor, be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER III.

A JOINT RESOLUTION on the subject of exchanging books with the several states.

(APPROVED FEBRUARY 7, 1835.)

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of State transmit by mail, to each of the states and territories of the United States, one sett of the reports of the Supreme Court of Indiana, and that future volumes of said reports, as they may be published, be forwarded in like manner.

Resolved further, That the Secretary of State, at the time he may transmit said reports, respectfully request that the reports of the Superior Courts of such of the states as have published them, may be forwarded to him in return, to be preserved in the state library.

CHAPTER IV.

A JOINT RESOLUTION on the subject of furnishing Lagrange county with an additional number of copies of the Revised Code.

(APPROVED FEBRUARY 6, 1835.)

Resolved, by the General Assembly of the State of Indiana, That the Secretary of State, at the time of distributing the laws and journals of the present General Assembly, furnish the county of Lagrange with fourteen copies of the revised code, to be deposited with the clerk of said county, for the use of the officers therein.

This resolution to be in force from and after its passage.

CHAPTER V.

A JOINT RESOLUTION on the subject of Blackford's Reports.

(APPROVED JANUARY 29, 1835.)

Be it resolved by the General Assembly of the State of Indiana That the copies of the second volume of the reports of the decisions of the Supreme Court, subscribed for by the Secretary of State, under a joint resolution of January the 2d, 1834, be received by him from the reporter; that the Secretary, when the laws of this session are distributed, cause one copy of said volume to be deposited at each of the places designated for such deposit, by that resolution; and that he also cause one copy of the first volume to be deposited at each of the said places, where such deposit has not heretofore been made.

Resolved further, That the secretary cause to be deposited one copy of each volume with the board of justices or commissioners in each county, for the use of the citizens, under such regulations as the board may prescribe.

Resolved further, That fifty additional copies of the above work be received by the secretary from the reporter, and that the treasurer on the auditor's warrant, pay for the copies in this resolution authorised to be received, the money for which is hereby appropriated.

CHAPTER VII.

A JOINT RESOLUTION on the subject of distributing the laws and reports of the Supreme Court, to such new counties as have not been furnished with the same.

(APPROVED DECEMBER 20, 1834.)

Resolved, by the General Assembly of the State of Indiana, That the Secretary of State be authorised to furnish such new counties as have not been furnished, with the first volume of Blackford's Reports; and also, that the Secretary of State be authorised to furnish the county of Laporte with ten copies of the revised laws of the state of Indiana.

CHAPTER VI.

A JOINT RESOLUTION relative to the three per cent. fund.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, it is represented to this General Assembly, that the state of Indiana has not for some years past, received from the general government any three per cent. fund on account of public land sold in Indiana at the Cincinnati Land Office; and whereas, the commissioner of the General Land Office has not made to the agent of the three per cent. fund any statement of the sales of public lands said office: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to procure an adjustment of the three per cent. fund accounts, and also, have it made the duty of the commissioner of the General Land Office to transmit to the agent of the three per cent. fund, a statement of the number of acres of land sold, and the gross and nett amount received in each year since the commencement of the state government, at each of the offices at which the public lands within the state of Indiana are sold, and hereafter to make such statement annually.

And be it further resolved, That His Excellency, the Governor, be requested to transmit a copy of the foregoing preamble and joint resolution to each of our Senators and Representatives in Congress.

CHAPTER VIII.

A JOINT RESOLUTION of the General Assembly of the State of Indiana relative to the Tippecanoe battle ground.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, by a joint resolution of this General Assembly, at the last session thereof, the Governor was requested to ascertain at what price and on what condition a purchase could be made of the ground on which was fought the memorable battle of Tippecanoe, for the purpose of preserving from rude disturbance the repose of the relics of the brave patriots who there fell in the cause of their country; and whereas in a letter to the Executive (in reply to the enquiry above authorised, and which has been communicated to this General Assembly at the present session thereof) the Honorable John Tipton has stated that in purchasing the battle ground, he was actuated by no other motive than that of possessing it in order to preserve the bones of his companions in arms who fell there, and that it would afford him great pleasure to convey the

same to the State of Indiana, free of any charge, whenever the State may signify a wish to have it so conveyed for that purpose; Therefore,

Be it resolved by the General Assembly of the State of Indiana, That his Excellency the Governor be, and he is hereby authorised to receive from the Honorable John Tipton a deed of conveyance in fee simple of the Tippecanoe battle ground, to and in the name of the State of Indiana.

Sec. 2. Be it further resolved, That the Governor on receiving the deed of conveyance aforesaid, shall, by himself or a proper sub-agent to be by him appointed, take charge of said battle ground, and if he shall deem it expedient have the same enclosed with a suitable fence; and that he make report of his proceedings in the premises to the next General Assembly, ~~as~~ also his views and opinion relative to the erection of a suitable monument or memorial on said battle ground.

Sec. 3. Be it further resolved, That his Excellency the Governor be, and he is hereby requested to tender to the Honorable John Tipton the acknowledgements of this General Assembly in behalf of the people of Indiana for his liberal proposal to surrender the Tippecanoe battle ground to the State.

CHAPTER IX.

A JOINT RESOLUTION relative to the State House.

[APPROVED FEBRUARY 7, 1835.]

Be it resolved by the General Assembly of the State of Indiana, That the commissioners appointed to superintend the erection of the State House be, and they are hereby authorised, should they deem it expedient to make the following alterations in the construction and arrangement of the Representative Hall, and Senate Chamber in the State house; to dispense with the gallery in the Senate Chamber; to furnish each hall with a sky light, and to change the arrangement of the Senate Chamber from the semicircular form originally designed to that of a square form; or to make any part of such proposed alterations only, and also any or all of the additional alterations contemplated in their annual report, communicated at the present session; having an equal eye to beauty and convenience, and the accommodation of the members, and spectators of both sexes: *Provided,* that the additional expense, if any, of such alterations be reasonable.

This joint resolution to be in force from and after its passage.

CHAPTER X.

A JOINT RESOLUTION of the General Assembly of the State of Indiana, relative to the purchase of a fire engine.

[APPROVED FEBRUARY 7, 1835.]

Be it Resolved by the General Assembly of the State of Indiana, That the treasurer of state be, and he is hereby authorised to purchase twenty five fire buckets and four ladders of a sufficient length to reach the top of the state house now building in the town of Indianapolis, and erect a building at some suitable place contiguous to the said state house, of sufficient dimensions and durability to secure the fire engine hereinafter authorised to be purchased, and to have the aforesaid state house insured while the same is being finished, the defraying of all which expense the state hereby guarantees.

And be it further resolved, that so soon as the citizens of the town of Indianapolis shall have ascertained the cost of and subscribed, and secured to the satisfaction of said treasurer, one half the amount required to procure and purchase a first rate fire engine and a suitable quantity of hose for the same; the said treasurer of state be and he is hereby authorised to subscribe, on the part of the state of Indiana, the remaining half of the amount required to procure and purchase the same: *Provided,* That nothing in either section of this joint resolution shall be so construed as to authorise the aforesaid treasurer to execute any of the duties herein enjoined upon him except the insurance of the state house until the aforesaid citizens shall have subscribed and secured as heretofore provided, one half of the amount required to procure and purchase the said engine and hose.

This joint resolution to take effect and be in force from and after its passage.

CHAPTER XI.

A JOINT RESOLUTION relative to the State Library.

[APPROVED FEBRUARY 7, 1835.]

Be it resolved by the General Assembly of the State of Indiana, That the sum of two hundred dollars be, and the same is hereby appropriated for the purchase of books for the state library, in lieu of any other appropriation, which sum of money shall be drawn from the treasury at the instance of the secretary of state, who shall apply the same to the judicious purchase of books.

CHAPTER XII.

A JOINT RESOLUTION relative to paying the pensioners of Indiana.

[APPROVED JANUARY 26, 1835.]

Be it resolved by the General Assembly of the state of Indiana, That the secretary of war of the United States, be respectfully requested either to cause the pension agency of Indiana to be removed to Indianapolis or to divide the state into two agencies, the one at Corydon and the other at Indianapolis, or to appoint the state bank of Indiana the agent for paying said pensioners, requiring such payments to be made at each of the branches of said bank.

CHAPTER XIII.

A JOINT RESOLUTION for the relief of the canal commissioners.

(APPROVED FEBRUARY 7, 1835.)

Be it resolved by the General Assembly of the State of Indiana, That the canal fund commissioners be and they are hereby authorised to credit the account of the other canal commissioners on the Wabash and Erie canal with the amount expended by them in the location of the the Whitewater canal; and that for the reimbursement of that amount to the Wabash and Erie canal fund, the faith of the state is hereby irrevocably pledged.

This joint resolution to be in force from and after its passage.

CHAPTER XIV.

A JOINT RESOLUTION for the benefit of the secretary of state.

(APPROVED FEBRUARY 7, 1835.)

Be it resolved by the General Assembly of the State of Indiana, That the secretary and late secretary of state be allowed twenty five cents for each Michigan road patent heretofore issued, payable in Michigan road scrip, and fifty cents for each patent the secretary may hereafter issue to be paid by the purchaser.

CHAPTER XV.

A MEMORIAL and JOINT RESOLUTION to the Congress of the United States.

[APPROVED FEBRUARY 7, 1835.]

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the state of Indiana, respectfully represent, that a canal connecting the Wabash and Erie canal with the valley of White river, at some eligible point north of Indianapolis, and thence down said White river to its junction with the Wabash or to some eligible point on the Ohio river, would, in the opinion of your memorialists, be of common importance to the people of the United States, as well as those of Indiana, as well for national as local purposes, and as well to facilitate commerce as to provide for the national defence, and would therefore beg leave to call the attention of the national authorities to the expediency of appropriating a suitable portion of the public lands in this state to the construction of the same. Arguments to prove the advantages of internal improvements, such as here contemplated, to the general government, as well as to this state, are deemed unnecessary in addressing your enlightened body, on a subject so well understood by the American people as the one under consideration. In adverting to the public lands, within the limits of the state, as a source of means to aid internal improvements, now, as formerly, the General Assembly must strenuously contend that the principles of state equality plainly recognized in the constitution of the United States, present to us high and reasonable ground to occupy, in soliciting the application of a considerable portion of them to uses in which there must be a mutual participation of advantages on the part of the whole confederacy, as well as on ours. In presenting the present work to the view of Congress, it is only necessary to look at the map of the state and the course of rivers, to be forcibly struck with the conviction that the general government must, in the event of its completion, be a large participator in the benefits resulting from the construction of such a canal in peace, and more especially in war. It will constitute a lateral arm of the great Wabash and Erie canal, reaching south as far as the seat of government in Indiana or farther, and penetrating a rich and flourishing country, to at least the great thoroughfare of the nation, designed for the march of armies as well as the advancement of commerce, as therefore we consider this as but a continuation of the Wabash and Erie canal and intended to enlarge its benefits and profits both to the state and nation, we are induced to pray your honorable body to place this work on the same footing, as to the amount of land to be granted, as the said Wabash and Erie canal, except that we may, for this object, owing to the quantity of land sold in its contemplated route, be compelled to receive a quantity of land elsewhere than contiguous to the

line of the canal, in such cases where it cannot be procured in the immediate vicinity on either side.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed, and our Representatives earnestly requested to use every becoming exertion to obtain of the Senate and House of Representatives of the United States in Congress assembled, an appropriation of land equal to five sections to each mile of canal, to be selected as in the foregoing memorial contemplated, to aid in the construction of the aforesaid canal.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing memorial and joint resolution to each of our Senators and Representatives in Congress, as speedily as possible.

A MEMORIAL and JOINT RESOLUTION of the General Assembly of the state of Indiana on the subject of the purchase of a tract of land from the United States.

(APPROVED FEBRUARY 7, 1835.)

To the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the General Assembly of the state of Indiana, respectfully represents that there is a large tract of land that belongs to the United States that lies in this state between Muncietown in Delaware county and Michigan City in Laport county, and that a part of this land has been in market for eleven years and remains unsold and of no use to the United States, and that it is most of it so remote from navigable streams that would enable the agriculturist to convey his produce to a market, that there is but little inducement for emigrants to settle in this region of country, and as it is the interest and correct policy of the state to encourage the settlement of her whole territory with an industrious and enterprising agricultural people, and it would be a great inducement to the immediate settlement of the country and afford great facilities to the citizens of this state by the construction of a rail road or canal from Muncietown to Fort Wayne, and from thence to Michigan city, and as by the construction of said road it would at once enhance the value of said lands through which said road or canal would pass and those lying contiguous thereto, to an amount as is believed sufficient to defray the expense of constructing said road or canal, which would be alike advantageous to the United States and this State. Therefore,

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their exertions to procure the

passage of a law, giving Indiana the right to purchase by an agent, she may appoint for that purpose of the Commissioner of the General Land Office, on a credit of not less than five years, and at a price not to exceed fifty cents per acre, a strip of land ten miles in width from Muncietown in Delaware county to Fort Wayne in Allen county, and from thence to Michigan city in Laport county. The proceeds of the sales of said lands after paying the cost to be applied to the construction of a rail road or canal on said rout.

Resolved, That his Excellency the Governor, be requested to forward copies of the foregoing Memorial and Resolutions to each of our senators and representatives in Congress.

CHAPTER XVII.

A JOINT MEMORIAL on the subject of National Hospitals.

(APPROVED DECEMBER 20, 1834.)

Your memorialists, the General Assembly of the state of Indiana, would respectfully represent, that suitable hospitals for the sick at convenient points on the Ohio river in the state of Indiana, is at this time greatly needed, both by humanity and policy. The great number of poor and distressed boatmen and others engaged in navigating the Ohio, who are constantly thrown destitute upon her banks, has become excessively burthensome to those inhabiting her borders. Indeed, in some instances, for want of suitable receptacles, as well as the small population in some places, that aid which their situation calls for, cannot be bestowed. That this evil must rapidly increase, it is only necessary to reflect upon the increasing commerce upon the waters of the Ohio, and the great exposure which those engaged in it are obliged to endure.

Probably three millions of people are directly interested in this commerce. When the citizens of western New York, Virginia, Pennsylvania, Ohio and Indiana descend with the produce and manufactures of their country, they descend from a higher to a lower latitude, and as the commerce is chiefly carried on in the spring, early in the summer, or in the beginning of autumn, they are of course exposed to great heat, all the causes of disease generated in a southern latitude by means of a warm sun acting upon moisture and decayed vegetation; and in the train of these follow the casualties common to all times and seasons, to those employed in navigating rivers, such as boats getting aground, the snagging and sinking of boats, the bursting of boilers and scalding by steam and hot water, and the crush of boats at night against each other, by which the limbs and lives are often mutilated and destroyed. By these and other causes which this employment is liable to, thousands of sick and disabled persons are left

to perish in cabins, or continue to float without the common comforts and conveniences which the poorest at home may enjoy.

Among these are not a few buried in the sand or forest, who have left behind them kind friends, respectable families, and every thing which wealth and good character can give.

Such being the case, your memorialists deem it superfluous to add any thing more to show the necessity of houses of reception and relief, at so many different points on the Ohio, as to permit the sufferers, by accident or disease, to be landed in due season, and treated with skill and kindness.

Your memorialists, in asking a donation for this purpose, have the satisfaction of knowing that they are not asking aid for their citizens alone, but for the citizens of all those states who make use of the waters of the Ohio, for the purpose of carrying their produce and manufactures to the common market: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to use their exertions, to procure the passage of a law appropriating such sums of money as may be necessary to establish hospitals at such points on the Ohio river in Indiana, as may afford relief to such sick and disabled persons as navigate said stream.

And be it further resolved, That the Governor of Indiana, be requested to transmit a copy of this memorial, as soon as it shall be sanctioned by both branches of the Legislature to each of our Senators and Representatives in Congress.

CHAPTER XVIII.

A MEMORIAL and JOINT RESOLUTION of the General Assembly of the state of Indiana on the subject of the Whitewater Canal.

(APPROVED JANUARY 14, 1835.)

WHEREAS, it is contemplated by the state of Indiana, to construct a canal from some point near the national road, on the Whitewater river, down the valley of the same, to the Ohio river at Lawrenceburgh, and Whereas, it is found on examination, that about eight miles of the route thereof, will pass through the territory of the state of Ohio, Therefore—

Be it resolved by the General Assembly of the State of Indiana, That the General Assembly of the state of Ohio, be requested to authorise and permit the construction of said canal by the state of Indiana, through that part of the Whitewater valley lying within the state of Ohio, from Harrison, to the state line near Lawrenceburgh; and to afford to the same, while being constructed, and when completed, the protection of such laws, as shall have been provided for the protec-

tion of the canals constructed by the state of Ohio, on such terms and restrictions as to the said General Assembly of the state of Ohio shall deem [seem] expedient and proper.

Sec. 2. Resolved, That in consideration of the authority, permission and protection aforesaid the faith of the state of Indiana, shall be and is hereby irrevocably pledged, to charge no higher tolls to citizens of Ohio or other persons passing on or transporting property on said canal, than shall be charged or paid by the citizens of Indiana; nor higher rates of tolls, than shall be charged on the principal canals of Indiana; and that full and adequate compensation shall be made by the state of Indiana, to the citizens of Ohio and all others, for all injury done to, or sustained by, property situate within the limits of said state of Ohio, by the construction of said canal, to be ascertained and paid for in such manner as the General Assembly of Ohio shall direct.

Sec. 3. Resolved, That the Executive of this state be, and he is hereby requested, to transmit a copy of this joint resolution to the Governor of Ohio, requesting him to lay the same before the General Assembly of that State, and respectfully to solicit the action of that honorable body, at their present session.

Sec. 4. Resolved, That Oliver H. Smith, Esq. be and he is hereby appointed to bear the communication from the Governor of this state to the Governor of Ohio.

CHAPTER CLXIII.

A JOINT MEMORIAL and RESOLUTION of the General Assembly of the state of Indiana.

[APPROVED FEBRUARY 7, 1835.]

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist respectfully represent to your honorable body that they have at their present session laid off into counties, and designated the boundaries, to wit: the counties of Adams, Noble, Jay, Wells, DeKalb, Steuben, Whitley, Kosciusko, Fulton, Marshall, Stark, Pulaski, Jasper, Newton, and Porter, being all the unorganised territory within the state of Indiana, to which the Indian title has been extinguished. Your memorialists believe that the interest of the general government will be greatly promoted by laying off the said unorganized territory into counties and designating and permanently establishing their boundaries, as it will have a tendency to increase the sale of the government lands and also prevent speculators from defrauding the public. Your memorialists would, therefore, respectfully request your honorable body to pass a law donating one

half section of land to each of said counties for the purpose of locating the county seat and erecting the public buildings for each county, and that the United States land officers within their respective land districts in said state be authorised by law to select and reserve from sale one half section of land as near the centre of each of said counties as the said officers may deem most suitable for the purpose of locating a county seat for each county: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That his Excellency the Governor be requested to transmit a copy of the foregoing memorial and the resolution, to each of our senators and representatives in congress.

CHAPTER XX.

A JOINT MEMORIAL to Congress praying for a grant of land to aid in the construction of a Rail Road from Evansville to Terre-Haute.

(APPROVED FEBRUARY 6, 1835.)

The General Assembly of the state of Indiana would respectfully call the attention of Congress to a plan of internal improvement proposed in Indiana, by the construction of a rail road between Evansville in Vanderburgh county to Terre Haute in Vigo county. This work would unite the Wabash and Erie canal with the Ohio river, thereby making a complete chain of inland communication between the city of New York, by the way of the Hudson river, the Erie canal, Lake Erie, the Wabash and Erie canal, and the said rail road to the Ohio river, two hundred and fifty miles below Louisville; a route greatly preferable to any other for those who may wish to ship goods from the city of New York either to Evansville, or to any point lower down. It is contemplated to improve the obstructions below this point to river navigation; and when such improvements are made, steam boats, with but little interruption, might ply from this port and others situated beyond and westwardly. The road would pass through the counties of Vanderburgh, Gibson, Knox, and Sullivan, to Vigo: a country, by its level surface and the materials which it could furnish, remarkably well adapted to the construction of such a work. In December, 1834 [1833] the Legislature of this state granted a charter to a company for the purpose of aiding in making this desirable improvement by the name of the Evansville and Lafayette rail road company. Much of the land in the counties through which this road will pass still belongs to the United States. This General Assembly would respectfully recommend to Congress to make such a grant of land, of the land yet unsold and which lies in the counties through which said road will pass, as will insure its speedy commencement and completion. No work could be of greater importance, ei-

ther for the purposes of commerce, or convenience of travelling, which could be made in the western country.

Resolved, That our Senators be instructed and Representatives requested to use their exertions to procure a donation of land by Congress that will insure the speedy commencement and construction of a rail road from Evansville to Terre Haute; and that His Excellency be requested to send a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER XXI.

A JOINT MEMORIAL of the General Assembly of the state of Indiana.

(APPROVED FEBRUARY 7, 1835.)

The General Assembly of the state of Indiana considering the provisions made by the pension laws of the United States for the time-worn soldier of the revolution, as being an expenditure of the public treasure the most fully warranted by considerations of justice, gratitude, and good policy. And believing that the brave men who served in the wars with the Indian tribes hazarded not merely life, in honorable warfare, but also assassination in cold blood in the event of defeat. And being also fully aware that the early campaigns against the Indians were attended with the terrors and dangers incident to the savage mode of warfare, before our army had acquired a knowledge of the methods of counteracting the same; and not concurring in the opinion that the imputation of fighting the battles of the country from mercenary motives justly rests upon them who served in the campaigns above alluded to.

Therefore, we do earnestly request of the Congress of the United States to pass an act placing all officers and soldiers who served in the campaigns against the Indian tribes prior to the year 1794 upon an equal footing in reference to pensions, with the officers and soldiers of the revolutionary war who are entitled to pensions.

Resolved, That a copy hereof be transmitted by His Excellency the Governor to each of our Senators and Representatives in Congress.

CHAPTER XXII.

A MEMORIAL and JOINT RESOLUTION of the General Assembly of the state of Indiana, praying a further donation of the public domain to assist in the completion of the Wabash and Erie canal, and in the construction of such other works of internal improvement, as will have a direct tendency to open a line of communication between the Wabash and Ohio rivers.

[APPROVED JANUARY 8, 1835.]

WHEREAS, the early completion of the Wabash and Erie canal is a subject which involves the prosperity and best interests of a considerable portion of the citizens of Indiana, and which all, without distinction, most heartily desire; being a work, which when completed, will form a connecting link, in the great chain of western improvement, and which will materially advance the well being of a number of the western states and the territory of Michigan, adding moreover materially to the value of the public lands in the vicinity of said canal; and whereas, the donation of the alternate sections heretofore reserved on each side of said canal, would facilitate the completion of this great and important work without in any way impoverishing the general government, but on the contrary swell the resources of her treasury by the rise which it would create in the value of her lands; and as said canal when completed will, together with an uninterrupted line of communication, between the Ohio and Wabash rivers, constitute a work of internal improvement as truly national as any other, either completed or projected in the United States: Therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to use every laudable exertion to obtain a further donation of the alternate sections heretofore reserved by Congress, within five miles of the Wabash and Erie canal; and where said lands have been sold by the general government, that the state of Indiana be authorised to select the same amount of unappropriated lands in any part of the Wabash valley.

Resolved furthermore, That if the donation aforesaid be obtained, that the state of Indiana be authorised to appropriate the money arising from the sale of fifty thousand acres of land for the purpose of continuing the Wabash and Erie canal, via Covington, Terre Haute, and Vincennes to the Ohio river, or of constructing such works of internal improvement as shall be deemed most advantageous for the continuation of a line of communication between the Wabash and Ohio rivers.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing memorial and joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXIII.

A MEMORIAL and JOINT RESOLUTION for the benefit of Madison Collins.

(APPROVED FEBRUARY 7, 1835.)

To the Hon. the Senate and House of Representatives of the United States in Congress assembled:

WHEREAS it is represented to this General Assembly, that Madison Collins, late of the county of Knox, and now of the county of Warren and state of Indiana, has served his country as a common soldier at different periods: That said Collins was in the battle of Tippecanoe and in that of the *Spur defeat*, and was in the service of his country from the commencement to the close of the late war with Great Britain—through all which service he escaped unhurt, and was honorably discharged in January A. D., 1815:—That in the February following, the said Collins, in company with a neighbour, was attacked by four Indians, on Busseron creek in Sullivan county, when riding from his father's to Gill's fort; in which attack his neighbour Dudley Mack was killed, and said Collins shot through the shoulder, from which wound he was compelled to undergo surgical treatment for a period of twelve years, which has [not] only reduced him to poverty, but disabled him from making exertion for his support; Therefore,

Your memorialists the General Assembly of the state of Indiana, would respectfully, but earnestly recommend, that the name of said Madison Collins be placed on the Pension Roll, with full pay as a private, inasmuch as the said Collins at the time of receiving said injury, was on the western frontiers, where depredations were continued by the Indians after the conclusion of peace with Great Britain, until June, 1815.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law in conformity with the above memorial.

[*Resolved,* That His Excellency the Governor transmit a copy of the foregoing memorial and joint resolution to each of our senators and representatives in Congress.]

CHAPTER XXIV.

A MEMORIAL and JOINT RESOLUTION in regard to the Pattowattomie and Miami Indians in this state.

(APPROVED JANUARY 22, 1835.)

The memorial of the General Assembly of the State of Indian, respectfully sheweth: That the interest in the extinguishment of

the Indiana title to lands within, and removal of the Indians from her limits, is held by her citizens and this General Assembly, of continued and increasing importance;—That acknowledging the paternal care and benevolent policy of the government, in securing the rights of humanity and justice to the Indians; the interest, peace, prosperity and happiness of the people of the State, require that they should as soon as possible be separated from us; the memorialists therefore, respectfully ask the renewed attention of the President of the United States to the extinguishment of the remaining title of the Miami Indians and that the Government provide the most efficient means to cause the peaceable, prompt and effectual emigration of the Pattowattomie and Miami Indians from the State of Indiana, consistent with the policy, faith, and honor of the nation.

Resolved, That our Senators and Representatives be requested to urge the objects of the above memorial upon the President and Congress of the United States.

Resolved That the Governor be requested to forward a copy of this memorial and joint Resolution to the President of the United States and each of our Senators and Representatives in Congress

CHAPTER XXV.

A MEMORIAL and JOINT RESOLUTION of the General Assembly of the State of Indiana, soliciting aid to improve the great northern chain of communication from the Maumee bay in Ohio to the rapids of the Illinois river.

[APPROVED JANUARY 16, 1835.]

To the Senate and House of Representatives in Congress assembled.

WHEREAS in accordance with the prayer of a respectable number of the citizens of the State of Indiana, to grant them some legislative enactment to assist in the construction of a rail road from the Maumee bay on Lake Erie, to the rapids of Illinois river; and influenced by proper considerations in relation to the general welfare, the social and commercial facilities required by our constituents, in connexion with our brethren of states contiguous, and the wants, wishes, and prosperity of a growing population; and whereas this road if improved will be calculated to accomodate not only the inhabitants for conveying their produce to market; but also the multitudes of emigrants from the eastern States, who are directing their course to that immense region of fertile and yet uninhabited country on the river Des Moines west of the Mississippi.—This contemplated rout when improved must be the most important northern mail route from east to west, in the United States. A great part of the land through which this road must eventually pass, is the property of the United State, all of which would be valuable to the agriculturalist, and would sell for

an advanced price, if the Government would afford any facilities of transportation, which would make the appropriation rather a gain than a loss to the Government; Therefore,

The General Assembly of the State of Indiana, solicits a donation of land of the United States of five sections for every mile of said road from Maumee bay in Ohio to the rapids of Illinois river in the state of Illinois to aid in the construction of said road.

Resolved That our Senators in Congress be instructed and our Representatives be requested, to use their exertions to obtain the passage of a law in accordance with the foregoing Memorial; and that they apply to the proper department for an officer of the United States corps of Engineers to survey, locate, and make estimates of the cost of constructing a rail road on the aforesaid route.

Resolved That his Excellency the Governor be requested to forward copies of the foregoing Memorial and Resolutions to each of our Senators and Representatives in Congress, also copies of the same to each of the Governors of the States of Ohio and Illinois with a request that they lay them before their respective Legislatures and solicit their cooperation with Indiana on this subject.

CHAPTER XXVI.

A MEMORIAL and JOINT RESOLUTION relative to the establishment of a mail route from New Albany to Terre Haute, via Salem, Bedford, Springfield, Bloomfield, and Fairplay.

(APPROVED FEBRUARY 7, 1835.)

WHEREAS, the citizens of a densely populated part of Indiana, inhabitants of that tract of country lying on the direct route from New Albany in Floyd county to Terre Haute in Vigo county, have suffered and do suffer very serious inconvenience for the want of a direct and leading mail route between the above mentioned points, which tract of country is rapidly improving in population and wealth: for remedy of which,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to use their best exertion to procure the establishment of a mail route from New Albany in Floyd county by way of Greenville in said county, Salem in Washington county, Bedford and Springfield in Lawrence county, Bloomfield and Fairplay in Greene county, to Terre Haute in Vigo county, in a direction to Springfield in the state of Illinois; and to obtain from the General Government such aid as may be necessary to assist in improving the aforesaid route.

Resolved, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives in Congress.

CHAPTER XXVII.

A MEMORIAL, and JOINT RESOLUTION of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette on the Wabash river, a port of entry.

[APPROVED DECEMBER 31, 1834.]

WHEREAS, the town of Lafayette on the Wabash river is situated and surrounded by one among the most desirable parts of the western country; and whereas, from the size and depth of that river, the same might at a comparatively small expense be rendered of safe passage for boats throughout the whole year, thereby more fully carrying into effect that part of the 4th article of an ordinance of Congress for the government of the territory of the United States north-west of the river Ohio of July 13, 1787, which provides that "the navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, duty, or import [impost] therefor"; and whereas, from information afforded, little or no doubt exists that if said town should be declared a port of entry importations of foreign merchandise would be made directly to the same, to the great and permanent commercial interest of a large portion of this state: therefore,

Resolved by the General Assembly of the state of Indiana, That our Senators and Representatives in Congress be requested to use their exertions to procure the passage of a law declaring Lafayette on the Wabash river, a port of entry.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing memorial and joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXVIII.

A JOINT RESOLUTION and MEMORIAL in relation to certain saline reservations therein named.

[APPROVED FEBRUARY 6, 1835.]

WHEREAS, by an act of Congress approved July 3d, 1832, the Legislature of this state was authorised to sell and convey certain lands therein mentioned, but not at a less price than that at which the public lands belonging to the United States are sold at private entry; and whereas, under several acts of the General Assembly of the state of Indiana, so much of said lands as are supposed to be worth the minimum price of the public lands have been sold, leav-

ing a residue of refused lands which cannot be sold at said price without great delay and length of time: therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed and our Representatives earnestly requested to use their utmost exertions to procure the passage of an act of Congress authorising the Legislature of this state to sell and convey such residue of said lands without restriction as to the price thereof.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble, joint resolution, and memorial to each of our Senators and Representatives in Congress as soon as practicable.

SECRETARY'S OFFICE, }
Indianapolis, 23d March, 1835. }

INDIANA, to wit.

I do hereby certify, that I have compared the foregoing printed acts, joint resolutions, and memorials with the original rolls on file in my office, and found them correct, with the exception of the words included [thus], inserted to aid the sense.

WILLIAM SHEETS,
Secretary of State.

AUDITOR'S REPORT.

AUDITOR'S OFFICE,
December 6th, 1834. }

In obedience to the act entitled "an act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the following report of receipts and expenditures on account of the State of Indiana, from the 30th day of November, 1833, to the 30th of November, 1834, both inclusive:

There was remaining in the Treasury on the 30th of Nov. 1833, provided all claims audited to that date were paid	\$16,643 79
Since that period there has been received at the Treasury on account of revenue unpaid for 1832	\$15 71
On account of collection of revenue for 1833	34,482 66
On account of collection of revenue for 1831	1,961 06
	<hr/> 36,459 39
On account of sales of Michigan road lands	42,184 19
From agent of state for town of Indianapolis	6,496 04
From sales of seminary lands	1,660 30
" Borrowers of seminary fund refunded	5,838 25
" Interest on loans of seminary fund	2,197 37
" Estates without known heirs	118 28
" Rents of saline lands	356 23
" Sales of saline lands	2,442 54
" Sales of mortgaged lands	772 94
" Interest of Indianapolis fund	559 90
" Loans of Indianapolis fund (refunded)	6,541 90
" Superintendent of state prison	700 00
" Interest on saline funds	219 75
" Loans refunded of saline funds	950 00
	<hr/> 70,337 69
Making the amount of receipts with cash on hand at last report	\$123,540 87

Since the above period, there has been audited, for public printing, stationery and distributing laws, &c.	5,835 92
For expenditures of the last General Assembly including pay of members, clerks, and doorkeepers	16,053 00
For salaries of Executive officers	2,750 00
" " Prosecuting attorneys	1,114 44
" " Supreme and president judges	7,515 59
" " Probate judges	2,088 00

" " " Adjutant and quarter master generals	125 00
On account of State college	1,706 88
" " " State library	100 00
" " " State prison	2,906 87
" " " Wabash and Erie canal	25 00
" " " Michigan road	42,184 19
" " " Seat of government	342 23
" " " Specific appropriations	2,164 08
" " " Superintendence of salt springs	61 42
" " " Wolf scalps	728 00
" " " Loans of seminary funds	8,772 25
" " " Presidential election of 1832	4 00
" " " Expenditure of contingent fund	939 35
" " " State house	16,433 83
" " " Loans of Indianapolis funds	5,793 66
" " " Loans of saline funds	2,650 00
" " " Expenditure of saline funds	39 75
" " " Conscientious fines distributed	12 00

Making the total amount of expenditures . . . \$121,345 48

From \$123,540 87 (the receipts) take \$121,343 48 (the expenditures) and there remains in the treasury on the 39th day of November 1834, the sum of \$2,195 35.

The amount of assessments for the present year is \$52,212 17; from which after deducting the delinquencies and expenses of collection, there will probably be realized \$44,500 00.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

TREASURER'S REPORT.

TREASURY DEPARTMENT,
INDIANAPOLIS, DEC. 6th, 1834.

The Treasurer of State, in obedience to the directions of the "act concerning the Auditor of public accounts and Treasurer of State," submits the following report of the revenue and expenditure of the state, from the 1st of December, 1833, to the 30th November, 1834:

There was a balance remaining in the treasury at the

close of the last fiscal year of \$16,899 29

Receipts during the fiscal year from revenue

of	1832	15 71
"	1833	34,482 62
"	1834	1,961 06

36,459 39

Rents paid by superintendent state prison	700 00
From sale of Michigan road lands	42,184 19
From sale of lots, &c. at Indianapolis	6,496 04
From sale of College lands	1,660 30
" " Mortgaged lands	772 94
" " Saline lands	2,412 54
Loans of College fund refunded	5,838 25
" " Indianapolis fund	6,541 90
" " Saline fund	250 00
Interest of College funds	2,197 37
" of Indianapolis funds	559 90
" of Saline funds	219 75
Estates without heirs	118 28
Rents of salt lick reserve	356 23
	<hr/>
	\$123,696 37

The expenditures during the same period have been:

Pay and mileage of members of the Legislature, including clerks, doorkeepers and stationary \$16,949 52

Printing for last and stationary for present session 5,835 92

Specific appropriations 2,168 08

Contingent expenses 939 35

Premium for wolf scalps 751 50

Pay of probate judges 2,115 00

" Executive officers 2,750 00

" Judges 7,615 59

" Prosecutors 1,114 44

" Adjutant and Quarter-master Generals 125 00

40,364 40

16,433 83

2,856 62

100 00

61 42

6 00

1,706 88

342 25

8,772 23

5,793 66

2,650 00

42,060 32

49 00

12 00

39 75

123 87

2,324 14

Balance in the Treasury, Dec. 1st, 1834

\$123,696 37

The available means of the Treasury for the ensuing year, may be estimated as follows:

Cash on hand 1st December, 1834	2,324 14
The revenue of 1834, to be paid subsequently to 30th November, 1834	42,500 00
Amounts to be re-imbursed from Indianapolis fund	5,161 30
Rent from Superintendent of State Prison	700 00
	<hr/>
	\$50,685 44

The expense of the year may be estimated as follows:

Salaries of judges and prosecutors	\$9,000 00
“ “ Executive officers	2,600 00
Printing, stationary, distributing laws, &c.	5,500 00
Legislature	17,000 00
Contingent and specific appropriations	2,500 00
Probate Judges	2,500 00
Wolf scalps	800 00
State Prison	800 00
State Library	100 00
Adjutant and Quarter-master Generals	150 00
The Treasury is also liable to the following existing claims:	
Outstanding warrants	128 75
Salaries and other claims not audited	1,300 00
College fund in the treasury	1,037 64
Saline fund “ “	222 54
Militia fines to be distributed	819 40
	<hr/>
Leaving a balance in Treasury December 1, 1834, of	\$45,388 33
	\$5,297 11

The sparseness of payments on account of sale of lots at Indianapolis, caused by the joint resolution of the General Assembly for the benefit of state debtors, has made it necessary to advance from the Treasury *proper*, to the amount of \$5,161 30, to meet the payments to the undertakers of the state house, founded upon the estimates furnished by them, to the commissioners.

This amount advanced agreeably to the provisions of the “act supplemental to an act to provide for the erection of a state house,” passed February 24, 1833, may be expected to be re-imbursed from the Indianapolis fund, so soon as the period for which the debts were suspended, shall have expired, and is, with that view, embraced in the estimate of the available means of the Treasury for the coming year.

It will be seen that the disbursements on account of the State Prison, exceed the estimates of the last report of the Treasurer, rising \$2,000.

This discrepancy has arisen from the improvements authorised by

law, under the commissioner appointed for that purpose. The latitude and discretion given in the extent of the improvements authorised to be made, together with the absence of any estimates or other data in this office, by which the amount of the expenditure could be anticipated, did not, at that period, nor can at this time afford any criterion upon which the Legislature may be apprised of the probable amount which may be required of the Treasury for that service.

The practical operation of the law which appropriates the delinquent land tax for the purposes of a *common school fund*, has shown that the act is greatly defective. In 1832, not more than about one third of the counties made returns, and in 1833, a still greater neglect. The returns which have been made are many of them so very imperfect, as to fail entirely to meet the object of the law. Enough has been ascertained, however, to prove that the annual accumulation of this fund, would in a few years, under the proper regulation and management, produce a fund cheering to the friends of education, and creditable to the enlightened legislation which prompted the enactment of the law.

All which is respectfully submitted,

N. B. PALMER,
Treasurer of State.

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